ORDER OF THE LIEUTENANT GOVERNOR OF BENGAL * FORWARDED *

GOVERNMENT OF INDIA.
LEGISLATIVE DEPARTMENT.

THE

# BALUCHISTAN CODE,

CONTAINING

## THE LOCAL ENACTMENTS IN FORCE IN BRITISH BALUCHISTAN

AND

## THE LOCAL ENACTMENTS IN FORCE IN THE BALUCHISTAN AGENCY TERRITORIES

WITH

CHRONOLOGICAL TABLES,

AND

APPENDICES

SHOWING

LOCAL RULES AND ORDERS MADE FOR BRITISH BALUCHISTAN AND THE BALUCHISTAN AGENCY TERRITORIES RESPECTIVELY.

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8, HASTINGS STREET

# PREFACE.

THIS, the first edition of the Baluchistan Code, contains, Part I, the local enactments, consisting of Bengal Regulations, local Acts of the Governor General in Council and Regulations made under 33 Vict., c. 3, in force in British Baluchistan, and, Part II, the local enactments, consisting of the enactments above referred to, and local laws made by the Governor General in Council in force in the territories administered by the Agent to the Governor General in Baluchistan as such Agent.*

The General Acts of the Governor General in Council which are in force in British Baluchistan and the Agency Territories respectively are printed in the volumes of General Acts published by the Legislative Department.

2. To the volume are prefixed (1) a Table of Contents and (2) Chronological Tables, specifying all the enactments, general as well as local, in force in British Baluchistan and the Agency Territories, respectively, and indicating the repeals or amendments affecting those areas; while in appendices are set out certain Rules and Orders relating to British Baluchistan and the Agency Territories respectively.

3. The volume is based on Clarke's edition of the Bengal Regulations published in 1854 under the authority of the Court of Directors of the East India Company, on the official copies of the Acts of the Governor General in Council and of the Regulations made under 33 Vict., c. 3, preserved in the Legislative Department, and (Part II and the appendices) on Notifications published in the Gazette of India. The volume is not authoritative.

* These territories are referred to generally throughout this volume as the "Agency Territories."

4. The following changes have been made in reprinting :—

(*a*) Sections which are not in force in British Baluchistan or the Agency Territories have been omitted, but, for convenience of reference, the marginal notes have been inserted, with a note citing the authority for the omission. Where only part of a section has been repealed, the repealed matter has been omitted and a foot-note inserted explaining the omission.

(*b*) Where an enactment directs that a section, a clause or words be inserted in an earlier enactment, the insertion has been made, and a reference to the amending enactment has been given in a foot-note.

(*c*) Where one enactment refers to another, and the reference is directed by a subsequent enactment to be read as if made to the subsequent enactment, the reference has, as a rule, been altered accordingly in reprinting the enactment containing the reference, and a foot-note has been inserted referring to the authority for making the alteration.

(*d*) In some instances marginal notes have been added; in others they have been shortened or corrected.

(*e*) The number and year of enactments referred to in the text have been noted in the inner margin, except where both appear in the text.

(*f*) Arabic numerals have been substituted for the Roman numerals used in the Bengal Regulations to denote the section-numbers.

(*g*) Section-numbers occurring in the text have been uniformly printed in figures instead of in words.

(*h*) Words belonging to Oriental languages have been uniformly spelt.

(*i*) Lengthy sections have sometimes been divided into clauses and paragraphs.

(*j*) In addition to the subject or short title of the enactment, the number and title of the Chapter and the sections

comprised in the page have been noted as a heading to each page.

5. The foot-notes to the text consist chiefly of (*1*) the references mentioned in clauses (*a*), (*b*) and (*c*) of paragraph 3 above; (*2*) cross-references to other enactments; (*3*) notes of the dates on which enactments came into force; and (*4*) references to the Appendices.

6. This volume has been corrected up to the 1st August, 1890.

J. M. MACPHERSON,

*Deputy Secretary to the Govt. of India,*
*Legislative Department.*

*Simla, the 10th September, 1890.*

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# CHRONOLOGICAL TABLE OF ENACTMENTS IN FORCE IN BRITISH BALUCHISTAN.

## 1.—General Enactments.

[Note.—The Acts from Act V of 1843 to Act XV of 1889 inclusive are contained in the Schedule to the British Baluchistan Laws Regulation, 1890. Acts I, VI, VIII and IX of 1890 are extended by special mention of British Baluchistan in section 1 of each Act to extend thereto—see the British Baluchistan Laws Regulation, I of 1890, section 3, sub-sections (*1*) and (*2*).]

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| Year. | Number. | Subject. | Repeals and amendments affecting British Baluchistan. | Where printed. |
|---|---|---|---|---|
| 1843 | V | Slavery . . . | I.—Such of the repeals and amendments (*a*) noted in the Chronological Tables appended and prefixed to the volume of General Acts for 1885—1888, or (*b*) made by subsequent enactments coming into force before the 19th April, 1890, as affected these Acts when in force on that date in the territories to which the Acts generally applied—see Regulation I of 1890, section 3, sub-section (*1*); | General Acts, 1834—1866, Ed. 1887. |
| 1850 | XVIII | Protection of Judicial Officers. | | |
| | XXXIV | State Prisoners . . | | |
| 1855 | XXIV | Penal Servitude . . | | |
| 1857 | XI | State Offences . . | | |
| 1858 | III (s. 5) | State Prisoners . . | | |
| | XXXV | Lunatics . . . | | |
| | XXXVI | Lunatic Asylums . . | | |
| 1859 | IX | Forfeited Property (except the last para. of s. 78). | | |
| 1860 | XX | Disputes between Workmen and Employers. | | |
| | XLV | Penal Code . . . | II.—The amendments made by Regulation I of 1890, section 4; and | Revised edition of Act XLV of 1860 as modified up to the 1st August, 1890. |
| 1861 | V | Police . . . . | | |
| 1864 | III | Foreigners . . . | III.—Any repeals or amendments made by enactments coming into force in British Baluchistan after the 19th April, 1890. | General Acts, 1834—1866, Ed. 1887. |
| | VI | Whipping . . . | | |
| 1865 | X | Succession . . . | | Revised edition of Act X of 1865 as modified up to the 1st July, 1890. |

I.—GENERAL ENACTMENTS—*continued.*

| Year. | Number. | Subject. | Repeals and amendments affecting British Baluchistan. | Where printed. |
|---|---|---|---|---|
| 1866 | XIV | Post Office | | General Acts, 1834—1866, Ed. 1887. |
| 1868 | I | General Clauses | | |
| 1869 | IV | Divorce | | |
| | V | Indian Articles of War | | |
| | XV | Prisoners' Testimony | | |
| | XX | Volunteers | | |
| 1870 | VII | Court-fees | | |
| | X | Land Acquisition | | |
| | XXIII | Coinage | | |
| 1871 | I | Cattle-trespass | | General Acts, 1867—1876, Ed. 1887. |
| | V | Prisoners | | |
| | XXIII | Pensions | | |
| 1872 | I | Evidence | | |
| | III | Marriage | See note on p. ix | |
| | IX | Contract | | |
| | XV | Christian Marriage | | |
| 1873 | X | Oaths | | |
| | XIV | Lunatic Soldiers | | |
| 1874 | II | Administrator General | | Revised edition of Act II of 1874 as modified up to the 1st July, 1890. |
| | IV | Foreign Recruiting | | |
| | IX | European Vagrancy | | General Acts, 1867—1876, Ed. 1887. |
| | XIV | Scheduled Districts | | |
| 1875 | V | Native Soldiers | | |
| 1877 | I | Specific Relief (s. 9) | | General Acts, 1877—1881, Ed. 1884. |
| | III | Registration | | |

1.—GENERAL ENACTMENTS—*continued*.

| Year. | Number. | Subject. | Repeals and amendments affecting British Baluchistan | Where printed. |
|---|---|---|---|---|
| 1877 | XI | Military Lunatics . | | |
| | XV | Limitation . . . | | General Acts, 1877—1881, Ed. 1885. |
| 1878 | I | Opium . . . | | |
| 1879 | I* | Stamps . . . | | |
| | XXI | Extradition . . . | | |
| 1881 | V | Probate and Administration. | | Revised edition of Act V of 1881 as modified up to the 1st July, 1890. |
| 1882 | X | Code of Criminal Procedure (subject to the modifications set forth in the schedule to the British Baluchistan Criminal Justice Regulation, 1890). | | Revised edition of Act X of 1882 as modified up to the 15th December, 1888. |
| | XII | Salt . . . . | | General Acts, 1882 (Pt. I), Ed 1885. |
| | XIV | Code of Civil Procedure. The following portions, namely:— (1) Sections 15—24, both inclusive (Place of suing); (2) Sections 229—229B, both inclusive (Court by which decrees may be executed); (3) Section 266 (Attachment of Property); (4) Sections 320—326, both inclusive (Restrictions on sale of Land); (5) Sections 344—360, both inclusive (Insolvent Judgment-Debtors); (6) Sections 383—400, both inclusive (Commissions); (7) Sections 401—415, both inclusive, and 592 and 593 (Pauper Suits and Appeals); | See note on p ix | Revised edition of Act XIV of 1882 as modified up to the 1st July, 1888. |

## I.—GENERAL ENACTMENTS—*continued.*

| Year. | Number. | Subject. | Repeals and amendments affecting British Baluchistan. | Where printed. |
|---|---|---|---|---|
| 1882 | XIV —*contd.* | Code of Civil Procedure —*contd.*<br>The following portions, namely:—*contd.*<br>(8) Sections 416 to 429, both inclusive (Suits by or against Government or Public Officers);<br>(9) Sections 465—468, both inclusive (Suits by or against Military men);<br>(10) Sections 477—486, both inclusive, and 488, 490 and 491 (Arrest and Attachment before Judgment);<br>(11) Sections 527—530, both inclusive, and the second paragraph of section 531 (Proceedings on Agreement of Parties); and<br>(12) Such portions as are referred to in, and affected by, the Debtors Act, 1888, and can be made applicable to proceedings under the British Baluchistan Civil Justice Regulation, 1890. | See note on p. ix | Revised edition of Act XIV of 1882 as modified up to the 1st July, 1888. |
| | XX | Paper Currency . . | | General Acts, 1882—1884 (Pt. 11), Ed 1885. |
| 1885 | XIII | Telegraphs . . . | | |
| 1886 | VI | Births, Deaths and Marriages Registration. | | General Acts, 1885—1888, Ed. 1889. |
| 1887 | I | General Clauses . . | | |
| | VII | Suits Valuation . . | | |

1.—GENERAL ENACTMENTS—*concluded.*

| Year. | Number. | Subject. | Repeals and amendments affecting British Baluchistan. | Where printed. |
|---|---|---|---|---|
| 1887 | IX | Provincial Small Cause Courts. | | |
| 1888 | III | Police . . . . | | General Acts, 1885—1888, Ed. 1889. |
| | IV | Indian Reserve Forces . | | |
| | V | Inventions and Designs . | | |
| | VI | Debtors (ss. 2 to 8, both inclusive). | | |
| 1889 | VII | Succession Certificates . | | Gazette of India, 1889, Pt. IV, p. 28. |
| | XIII | Cantonments . . . | See note on p. ix . | Gazette of India, 1889, Pt. IV, p. 86. |
| | XV | Official Secrets . . | | Gazette of India, 1889, Pt. IV p. 95. |
| 1890 | I | Revenue Recovery . | | See Gazette of India, 1890, Pt. IV, p. 1. |
| | VI | Charitable Endowments . | | See Gazette of India, 1890, Pt. IV, p. 17. |
| | VIII | Guardians and Wards . | | See Gazette of India, 1890, Pt. IV, p. 27. |
| | IX | Railways (in so far as it has been or may be extended under the Sindh-Pishin Railway Act, 1887*). | | See Gazette of India, 1890, Pt. IV, p. 42. |

2.—LOCAL ENACTMENTS.

[NOTE.—These enactments, down to Regulation IX of 1887, inclusive, are contained in the Schedule to the British Baluchistan Laws Regulation, 1890. Regulations I, II, III and V of 1890 were specially enacted for British Baluchistan.]

| Year. | Number. | Subject. | Repeals and amendments affecting British Baluchistan. | Where printed. |
|---|---|---|---|---|
| | | *A.—Bengal Regulations.* | | |
| 1812 | XI. | Removal of Foreign Emigrants. | Rep in part, XVI of 1874. | Baluchistan Code, p. 1. |
| 1818 | III | State Prisoners . . | Rep. in part, XVI of 1874. Amended, XXXIV of 1850; III of 1858 | Baluchistan Code, p. 4. |

* See Notification No 309, dated the 2nd May, 1890, in Appendix, *infra*, p. 121.

2.—LOCAL ENACTMENTS—*continued.*

| Year. | Number. | Subject. | Repeals and amendments affecting British Baluchistan. | Where printed. |
|---|---|---|---|---|
| | | *B.—Local Acts of the Governor General in Council.* | | |
| 1867 | III | Public Gambling . . | Rep. in part, XVI of 1874. | Baluchistan Code, p. 8. |
| 1867 | XXIII | Murderous Outrages . | Rep. in part, XVI of 1874. Revived and amended, IX of 1877. Amended, Reg. I of 1890, s. 4. | Baluchistan Code, p. 13. |
| 1870 | XXVI | Prisons . . . | Rep. in part, XII of 1873 XVI of 1874. Amended, XIV of 1878*, s. 2. | Baluchistan Code, p. 19. |
| 1881 | XXII | Excise . . . . | Rep. in part, XIII of 1889. Amended, VI of 1885; IX of 1885; II of 1887, ss. 5 & 6; XVIII of 1888*, s. 7; XIII of 1890, ss. 2—5. | Baluchistan Code, p. 34. |
| 1887 | XI | Sindh-Pishin Railway . . . | ..... | Baluchistan Code, p. 49. |
| | | *C.—Regulations made under 33 Vict., cap. 3.* | | |
| 1887 | IV | Punjab Frontier Crimes (ss. 3 to 48, both inclusive, and 50 to 54, both inclusive). | Amended, Reg. I of 1890, s. 4. | Baluchistan Code, p. 53. |
| 1887 | IX | Frontier Crossing and Disturbed Districts. | Amended, Reg. I of 1890, s. 4. | Baluchistan Code, p. 67. |
| 1890 | I | Laws . . . . | Rep. in part and amended, Reg. V of 1890, ss. 45, 46. | Baluchistan Code, p. 69. |
| ,, | II | Criminal Justice . . | ..... | Baluchistan Code, p. 75. |
| ,, | III | Civil Justice . . | Amended, Reg. V of 1890, s. 47. | Baluchistan Code, p. 83. |
| ,, | V | Forests . . . . | ..... | Baluchistan Code, p. 103. |

* Acts XIV of 1878 and XVIII of 1888 do not apply to British Baluchistan, but the amendments which they affect have been noted in this Table and in the text for convenience.

# CHRONOLOGICAL TABLE OF ENACTMENTS IN FORCE IN THE BALUCHISTAN AGENCY TERRITORIES.

## 1.—GENERAL ENACTMENTS.

[NOTE.—The Acts from V of 1843 to XV of 1889, inclusive, are contained in the Schedule to the Baluchistan Agency Laws Law, 1890. Acts I, VI, VIII and IX of 1890 have been applied to the Agency Territories by notifications which are printed in the Appendix, *infra*.]

| Year. | Number. | Subject. | Repeals and amendments affecting the Agency Territories. | Where printed. |
|---|---|---|---|---|
| *I.—General Acts of the Governor General in Council applied to the Agency Territories.* | | | | |
| 1843 | V | Slavery | I.—Such of the repeals and amendments (*a*) noted in the Chronological Tables appended and prefixed to the volume of General Acts for 1885-88, or (*b*) made by subsequent enactments coming into force before the 19th April, 1890, as affected these Acts when in force on that date in the territories to which the Acts generally applied—see the Baluchistan Agency Laws Law, s. 4;<br>II.—The amendments made by the Baluchistan Agency Laws Law, s. 5; and<br>III.—Any repeals or amendments made by enactments applied to the Agency Territories after the 19th April, 1890. | General Acts, 1834—66, Ed. 1887. |
| 1850 | XVIII | Protection of Judicial Officers. | | |
| | XXXIV | State Prisoners | | |
| 1855 | XXIV | Penal Servitude | | |
| 1857 | XI | State Offences | | |
| 1858 | III | State Prisoners (s. 5) | | |
| | XXXV | Lunatics | | |
| | XXXVI | Lunatic Asylums | | |
| 1859 | IX | Forfeited Property (except the last paragraph of s. 18). | | |
| 1860 | IX | Disputes between Workmen and Employers. | | |
| | XLV | Penal Code | | Revised edition of Act XLV of 1860 as modified up to the 1st August, 1890. |
| 1861 | V | Police | | |
| 1864 | III | Foreigners | | General Acts, 1834—66, Ed. 1887. |
| | VI | Whipping | | |
| 1865 | X | Succession | | Revised edition of Act X of 1865 as modified up to the 1st July, 1890. |
| 1866 | XIV | Post Office | | General Acts, 1834—66, Ed. 1887. |

*Chronological Table of Enactments in force in the Baluchistan Agency Territories*—continued.

I.—GENERAL ENACTMENTS—*continued.*

| Year | Number. | Subject | Repeals and amendments affecting the Agency Territories. | Where printed. |
|---|---|---|---|---|
| *I.—General Acts of the Governor General in Council applied to the Agency Territories*—continued. | | | | |
| 1868 | I | General Clauses | See note on p. xv. | General Acts, 1867—76, Ed. 1887. |
| 1869 | IV | Divorce | | |
| | V | Indian Articles of War | | |
| | XV | Prisoners' Testimony | | |
| | XX | Volunteers | | |
| 1870 | VII | Court-fees | | |
| | X | Land Acquisition | | |
| | XXIII | Coinage | | |
| 1871 | I | Cattle-trespass | | |
| | V | Prisoners | | |
| | XXIII | Pensions | | |
| 1872 | I | Evidence | | |
| | III | Marriage | | |
| | IX | Contract | | |
| | XV | Christian Marriage | | |
| 1873 | X | Oaths | | |
| | XIV | Lunatic Soldier | | |
| 1874 | II | Administrator General | | Revised edition of Act II of 1874 as modified up to the 1st July, 1890. |
| | IV | Foreign Recruiting | | General Acts, 1867—1876, Ed. 1887. |
| | IX | European Vagrancy | | |
| 1876 | V | Native Soldiers | | |
| 1877 | I (s. 9) | Specific Relief | | General Acts, 1877—81, Ed. 1884. |
| | III | Registration | | |
| | XI | Military Lunatics | | |

*Chronological Table of Enactments in force in the Baluchistan Agency Territories*—continued.

1.—GENERAL ENACTMENTS—*continued.*

| Year. | Number. | Subject. | Repeals and amendments affecting the Agency Territories | Where printed. |
|---|---|---|---|---|
| *I.—General Acts of the Governor General in Council applied to the Agency Territories*—continued. | | | | |
| 1877 | XV | Limitation . . . | | General Acts, 1877—81, Ed. 1884. |
| 1878 | I | Opium . . . | | |
| 1879 | I | Stamps . . . | | |
| | XXI | Extradition . . . | | |
| 1881 | V | Probate and Administration | | Revised edition of Act V of 1881 as modified up to the 1st July, 1890. |
| 1882 | X | Code of Criminal Procedure (subject to the modifications set forth in the schedule to the Baluchistan Agency Criminal Justice Law, 1890). | | Revised edition of Act X of 1882 as modified up to the 15th December, 1888. |
| | XII | Salt . . . . | | General Acts, 1882 (Pt. I), Ed. 1885. |
| | XIV | Code of Civil Procedure. The following portions, namely:— (1) Sections 15—24, both inclusive (Place of suing); (2) Sections 226—229B, both inclusive (Court by which decrees may be executed); (3) Section 266 (Attachment of Property); (4) Sections 320—326, both inclusive (Restrictions on sale of land); (5) Sections 344—360, both inclusive (Insolvent Judgment-debtors); (6) Sections 383—400, both inclusive (Commissions); | See note on p. xv. | Revised edition of Act XIV of 1882, as modified up to the 1st July, 1888. |

*Chronological Table of Enactments in force in the Baluchistan Agency Territories*—continued.

1.—GENERAL ENACTMENTS—*continued.*

| Year. | Number. | Subject. | Repeals and amendments affecting the Agency Territories. | Where printed. |
|---|---|---|---|---|
| | | *I.—General Acts of the Governor General in Council applied to the Agency Territories*—continued. | | |
| 1882 | XIV —*contd.* | Code of Civil Procedure—*contd.*<br>The following portions, namely:—<br>(7) Sections 401—415, both inclusive, and 592 and 593 (Pauper Suits and Appeals);<br>(8) Sections 416—429, both inclusive (Suits by or against Government or Public Officers);<br>(9) Sections 465—468, both inclusive (Suits by and against Military men);<br>(10) Sections 477—485, both inclusive, and 488, 490 and 491 (Arrest and Attachment before Judgment);<br>(11) Sections 527—530, both inclusive, and the second paragraph of section 531 (Proceedings on Agreement of parties); and<br>(12) Such portions as are referred to in, and affected by, the Debtors Act, 1888, and can be made applicable to proceedings under the Baluchistan Agency Civil Justice Law, 1890. | See note on p. xv | Revised edition of Act XIV of 1882, as modified up to the 1st July, 1888. |

*Chronological Table of Enactments in force in the Baluchistan Agency Territories*—continued.

I.—GENERAL ENACTMENTS—*concluded.*

| Year | Number. | Subject. | Repeals and amendments affecting the Agency Territories. | Where printed. |
|---|---|---|---|---|
| | | *I.—General Acts of the Governor General in Council applied to the Agency Territories*—concluded. | | |
| 1882 | XX | Paper Currency . . | | General Acts, 1882—84 (Pt. II), Ed. 1885. |
| 1885 | XIII | Telegraphs . . . | | |
| 1886 | VI | Births, Deaths and Marriages Registration. | | |
| 1887 | I | General Clauses . . | | |
| | VII | Suits Valuation . . | | General Acts, 1885—98, Ed. 1889. |
| | IX | Provincial Small Cause Courts. | | |
| 1888 | III | Police . . . . | | |
| | IV | Indian Reserve Forces | | |
| | V | Inventions and Designs . | See note on p. xv . | |
| | VI | Debtors (ss. 2 to 8, both inclusive). | | |
| 1889 | VII | Succession Certificates . | | Gazette of India, 1889, Pt. IV, p. 28. |
| | XIII | Cantonments . . | | Gazette of India, 1889, Pt. IV, p. 86. |
| | XV | Official Secrets . . | | Gazette of India, 1889, Pt. IV, p. 95. |
| 1890 | I | Revenue Recovery . | | Gazette of India, 1890, Pt. IV, p. 1. |
| | VI | Charitable Endowments . | | Gazette of India, 1890, Pt. IV, p. 17. |
| | VIII | Guardians and Wards . | | Gazette of India, 1890, Pt. IV, p. 27. |
| | IX | Railways . . . | *See* Notification No. 910 E., dated 2nd May, 1890, in Appendix, *infra*, p. 194. | Gazette of India, 1890, Pt. IV, p. 42. |

## *Chronological Table of Enactments in force in the Baluchistan Agency Territories*—continued.

### 2.—LOCAL ENACTMENTS.

[NOTE.—These enactments, down to Regulation IX of 1887, inclusive, are contained in the Schedule to the Baluchistan Agency Laws Law, 1890. The Local Laws noted under head D were specially made for the Agency Territories.]

| Year. | Number. | Subject. | Repeals and amendments affecting the Agency Territories. | Where printed. |
|---|---|---|---|---|
| | | *A.—Bengal Regulations applied to the Agency Territories.* | | |
| 1812 | XI | Removal of Foreign Emigrants. | Rep. in part, XVI of 1874. | Baluchistan Code, p. 1. |
| 1818 | III | State Prisoners . . | Rep. in part, XVI of 1874.<br>Amended, XXXIV of 1850;<br>III of 1858. | Ditto, p. 4. |
| | | *B.—Local Acts of the Governor General in Council applied.* | | |
| 1867 | III | Public Gambling . . | Rep. in part, XVI of 1874. | Baluchistan Code, p. 8. |
| 1867 | XXIII | Murderous Outrages . | Rep. in part, XVI of 1874.<br>Revived and amended, IX of 1877.<br>Amended, Baluchistan Agency Laws Law, s. 5. | Ditto, p. 13. |
| 1870 | XXVI | Prisons . . . | Rep. in part, XII of 1873.<br>XVI of 1874;<br>Amended, XIV of 1878[a], s. 2. | Ditto, p. 19. |
| 1881 | XXII | Excise . . . | Rep. in part, XIII of 1889.<br>Amended, VI of 1885<br>IX of 1895, s. 2;<br>II of 1887, ss. 5 & 6;<br>XVIII of 1888[a], s. 7;<br>XIII of 1890, ss. 2—5. | Ditto, p. 34. |
| 1887 | XI | Sindh-Pishin Railway . | ..... | Ditto, p. 49. |

[a] Acts XIV of 1878 and XVIII of 1888 do not apply to the Agency Territories, but the amendments which they affect have been noted in this table and in the text for convenience.

## *Chronological Table of Enactments in force in the Baluchistan Agency Territories*—concluded.

### 2.—LOCAL ENACTMENTS—*concluded.*

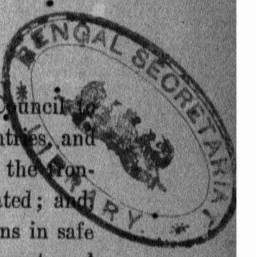
| Year. | Number. | Subject. | Repeals and amendments affecting the Agency Territories. | Where printed. |
|---|---|---|---|---|
| | | *C.—Regulations made under 33 Vict, cap. 3, applied.* | | |
| 1887 | IV | Punjab Frontier Crimes (ss. 3 to 48, both inclusive, and 50 to 54, both inclusive). | Amended Baluchistan Agency Laws Law, s. 5. | Baluchistan Code, p. 53. |
| | IX | Frontier Crossing and Disturbed Districts. | Amended, Baluchistan Agency Laws Law, s. 5. | Ditto, p. 67. |
| | | *D.—Local Laws made by the Governor General in Council.* | | |
| 1889 | ... | Quetta Hackney Carriages | Validated and continued; Baluchistan Agency Forest Law, 1890, s. 47. | Baluchistan Code, p. 134. |
| 1890 | ... | Baluchistan Agency Laws | Rep. in part and amended, Baluchistan Agency Forest Law, 1890, ss. 46—48. | Ditto, p. 137. |
| | ... | Baluchistan Agency Criminal Justice. | ..... | Ditto, p. 143. |
| | ... | Baluchistan Agency Civil Justice. | ..... | Ditto, p. 151. |
| | ... | Baluchistan Agency Forests. | ..... | Ditto, p. 170. |

# THE BALUCHISTAN CODE.

## PART I.

## LOCAL ENACTMENTS IN FORCE IN BRITISH BALUCHISTAN.

### A.—BENGAL REGULATIONS.




#### BENGAL REGULATION XI OF 1812.*

*Passed on the 18th July, 1812.*

A Regulation to empower the Governor General in Council to order the removal of emigrants from foreign countries, and their descendants, from any place in the vicinity of the frontier of the State from which they may have emigrated; and in certain cases, to place and detain any such persons in safe custody; and likewise to provide for the trial of emigrants and their descendants who may excite disturbances in the countries from which they may have emigrated, and of persons aiding them in the prosecution of such attempts.

Preamble.

1. WHEREAS considerable bodies of persons, being natives of Arakan and ordinarily denominated Muggs, have from time to time emigrated from that country and established themselves in that part of the district of Chittagong which lies contiguous to the Arakan frontier;

and whereas numbers of those persons, or of their descendants, abusing the protection which had been afforded to them in the British territories, have excited disturbances and even levied war in the country of Arakan against the Government of Ava, of which State Arakan is now a dependency, and have conducted themselves in a manner manifestly tending to disturb the relations

* This Regulation has been declared in force in British Baluchistan—see Reg. I of 1890, s. 3 (*1*), *infra*, p. 69. It has also been applied to the Agency Territories—see the Baluchistan Agency Laws Law, 1890, s. 4 (*1*), *infra*, p. 137.

of amity which subsist between the British Government and the Government of Ava;

and whereas it is, in consequence, necessary that the Governor General in Council should possess legal powers to remove the said bodies of emigrants and their descendants from the frontier of the territory of Arakan, or any other bodies of aliens or their descendants, from the vicinity of the country from which they may have emigrated, and likewise to detain in confinement any of those persons, or any other individuals being Natives of foreign countries, or their descendants, for offences of the above nature actually committed by them in the territories of the State from which they may have emigrated;

and whereas it is necessary to make provision for the trial of persons committing, or aiding in the commission of, the said offences, the following rules have been passed, to be in force from the period of their promulgation throughout the territories immediately dependent on the Presidency of Fort William:

Power to order removal of emigrants to parts of country deemed convenient.

2. Whenever the Governor General in Council, upon due investigation, shall be satisfied that the emigrants from Arakan, or emigrants from any other State, who may have sought an asylum in the British territories, or the descendants of any of the said emigrants, shall have abused the protection afforded to them, by attempts to excite disturbances in the State from which they or their ancestors may have emigrated, it shall be competent to the Governor General in Council to order the removal of those persons to such other part or parts of the country as may be judged most convenient for their future residence.

In like manner it shall be competent to the Governor General in Council to order such removal, whenever he may have grounds to be satisfied that the residence of any body of aliens, or their descendants, in the vicinity of the frontier of the country from which they or their ancestors may have emigrated, is likely to cause any serious misunderstanding between that State and the British Government.

Emigrants allowed to dispose of property.

3. Whenever any body of emigrants, or any individuals belonging to such body, shall be ordered to be removed from the part of the country in which they have been established, they shall be allowed to dispose of any property which they may have acquired in such manner as they may judge proper:

Provided, however, that, if they shall nevertheless retain the right to any real property at the period of their actual removal, it shall be competent to the Governor General in Council to order such property to be sold by public auction under the superintendence of the Collector of the district.

In that case the nett proceeds of the sale shall be duly paid to the person or persons to whom the said property belonged.

4. In cases in which the Governor General in Council may, on due inquiry and matured deliberation, be satisfied that either the preservation of the tranquillity of the British territories, or of the dominions of the allies of the British Government, or the maintenance of the relations of amity subsisting between the British Government and other States, requires that any of the leaders or other persons of the above description, who may have committed the offences mentioned in section 2 of this Regulation, should be placed and detained under restraint, it shall be competent to the Governor General in Council to order any such persons having committed any of the said offences, but not otherwise, to be apprehended and committed to confinement at such place, and under the custody of such public officer, and detained in confinement for such time as may be deemed by the Governor General in Council necessary for the public good.

Power to order leaders or other emigrants to be apprehended and kept under restraint.

5. *First.*—Any persons of the above description, or their descendants, who, while living under the protection of the British Government, shall enter the country from which they or their ancestors may have emigrated, or any other foreign country, and shall excite, or attempt to excite, disturbances in the said countries, shall be liable to be brought to trial for that offence,[a] and, if convicted, shall be sentenced to suffer imprisonment for the period of seven years.

Punishment for emigrants or their descendants exciting disturbances in countries from which they emigrated.

*Second.*—Any persons, whether Native British subjects or aliens, who shall furnish emigrants from foreign countries with any assistance, either of men, money or arms, in prosecution of their attempts to excite disturbances in the country from which they may have emigrated, or in any other country, or shall otherwise aid such aliens in the prosecution of their criminal design, shall be liable to be brought to trial for that offence,[a] and, if convicted, shall be sentenced to suffer imprisonment for the term of seven years:

Punishment for persons aiding or assisting in attempts to excite such disturbances.

Provided however that, if the Judge[a] by whom the case may be tried shall be of opinion that the punishment established by this and the preceding clause should in any instance be mitigated, he shall submit the proceedings held on the trial to the Nizamut Adálat, who will recommend to the Governor General in Council such alleviation of the prescribed punishment as they may judge proper:

Proviso.

Provided moreover that no sentence or order which may be passed on the trial of any persons under the provisions of the present Regulation shall be competent, or shall be construed, to preclude the Governor General in Council from the exercise of the power vested in the Government by section 4 of the said Regulation.

[a] Certain words of cls. (1) and (2), and the first proviso, of s. 5, which were repealed by Act XVI of 1874, have been omitted.

## BENGAL REGULATION III of 1818.*

*Passed on the 7th April, 1818.*

### A Regulation for the confinement of State Prisoners.

Preamble.

1. Whereas reasons of State, embracing the due maintenance of the alliances formed by the British Government with Foreign Powers, the preservation of tranquillity in the territories of Native Princes entitled to its protection, and the security of the British dominions from foreign hostility and from internal commotion, occasionally render it necessary to place under personal restraint individuals against whom there may not be sufficient ground to institute any judicial proceeding, or when such proceeding may not be adapted to the nature of the case, or may for other reasons be unadvisable or improper;

and whereas it is fit that, in every case of the nature herein referred to, the determination to be taken should proceed immediately from the authority of the Governor General in Council;

and whereas the ends of justice require that, when it may be determined that any person shall be placed under personal restraint, otherwise than in pursuance of some judicial proceeding, the grounds of such determination should from time to time come under revision, and the person affected thereby should at all times be allowed freely to bring to the notice of the Governor General in Council all circumstances relating either to the supposed grounds of such determination, or to the manner in which it may be executed;

and whereas the ends of justice also require that due attention be paid to the health of every State prisoner confined under this Regulation, and that suitable provision be made for his support according to his rank in life, and to his own wants and those of his family;

and whereas the reasons above declared sometimes render it necessary that the estates and lands of zamíndárs, taluqdárs and others situated within the territories dependent on the Presidency of Fort William, should be attached and placed under the temporary management of the Revenue-authorities without having recourse to any judicial proceeding;

and whereas it is desirable to make such legal provisions as may secure from injury the just rights and interests of individuals whose estates may be so attached under the direct authority of Government;

the Vice-President in Council has enacted the following rules, which are

* This Regulation has been declared in force in British Baluchistan—see Reg. I of 1890, s. 3, (*l*), *infra*, p. 69. It has also been applied to the Agency Territories—see the Baluchistan Agency Laws Law, 1890, s. 4, (*l*), *infra*, p. 137.

to take effect throughout the Provinces immediately subject to the Presidency of Fort William, from the date on which they may be promulgated.

Proceeding for placing persons under restraint as State prisoners.

2. *First.*—When the reasons stated in the preamble of this Regulation may seem to the Governor General in Council to require that an individual should be placed under personal restraint, without any immediate view to ulterior proceedings of a judicial nature, a warrant of commitment under the authority of the Governor General in Council, and under the hand of the Chief Secretary, or of one of the Secretaries to Government, shall be issued to the officer in whose custody such person is to be placed.

Form of warrant.

*Second.*—The warrant of commitment shall be in the following form :—

"To the[a] [*here insert the officer's designation*].

"Whereas the Governor General in Council, for good and sufficient reasons, has seen fit to determine that [*here insert the State prisoner's name*] shall be placed under personal restraint at [*here insert the name of the place*], you are hereby required and commanded, in pursuance of that determination, to receive the person abovenamed into your custody, and to deal with him in conformity to the orders of the Governor General in Council, and the provisions of Regulation III of 1818.

"Fort William, the—

"By order of the Governor General in Council,

"*A. B.*, Chief Secy. to Govt."

Authority of warrant.

*Third.*—The warrant of commitment shall be sufficient authority for the detention of any State prisoner in any fortress, jail or other place within the territories subject to the Presidency of Fort William.[b]

Officers having custody of State prisoners to submit periodical reports.

3. Every officer in whose custody any State prisoner may be placed shall, on the first of January and first of July of each year, submit a report to the Governor General in Council, through the Secretary to Government in the Political Department, on the conduct, the health and the comfort of such State prisoner, in order that the Governor General in Council may determine whether the orders for his detention shall continue in force or shall be modified.

State prisoners in custody of Zila or City Magistrate

4. *First.*—When any State prisoner is in the custody of a Zilá or City Magistrate, the Judges[c] are to visit such State prisoner on the occasion of the periodical sessions, and they are to issue any orders concerning the treatment

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[a] As to whom warrants may be directed, see Act XXXIV of 1850, s. 1, in General Acts, 1834—66, Ed. 1887, p. 70.

[b] For power to remove a State prisoner to any other place of confinement in British India, see Act III of 1858, s. 5, in General Acts, 1834—66, Ed. 1887, p. 134.

[c] The words "of Circuit" in s. 4, which were repealed by Act XVI of 1874, have been omitted.

by whom to be visited.

of the State prisoner which may appear to them advisable, provided they be not inconsistent with the orders of the Governor General in Council issued on that head.

State prisoners in custody of public officer not being Zila or City Magistrate by whom to be visited.

*Second.*—When any State prisoner is placed in the custody of any public officer not being a Zila or City Magistrate, the Governor General in Council will instruct either the Zila or City Magistrate, or the Judge[a] or any other public officer, not being the person in whose custody the prisoner may be placed, to visit such prisoner at stated periods, and to submit a report to Government regarding the health and treatment of such prisoner.

Representations by State prisoners to be submitted to Government.

5. The officer in whose custody any State prisoner may be placed is to forward, with such observations as may appear necessary, every representation which such State prisoner may from time to time be desirous of submitting to the Governor General in Council.

Report to Government regarding confinement, &c., of prisoners.

6. Every officer in whose custody any State prisoner may be placed shall, as soon after taking such prisoner into his custody as may be practicable, report to the Governor General in Council whether the degree of confinement to which he may be subjected appears liable to injure his health, and whether the allowance fixed for his support be adequate to the supply of his own wants and those of his family, according to their rank in life.

Appropriation of allowance for support.

7. Every officer in whose custody any State prisoner may be placed shall take care that the allowance fixed for the support of such State prisoner is duly appropriated to that object.

8. [*Application of sections 3 to 7 to persons now confined as State prisoners.*] *Rep. by Act XVI of 1874.*]

Attachment of estates by order of Government without decision of Court.

9. Whenever the Governor General in Council, for the reasons declared in the preamble to this Regulation, shall judge it necessary to attach the estates or lands of any zamíndár, jagirdár, taluqdár or other person, without any previous decision of a Court of Justice, or other judicial proceeding, the grounds on which the Resolution of Government may have been adopted, and such other information connected with the case as may appear essential, shall be communicated, under the hand of one of the Secretaries to Government, to the Judge and Magistrate of the district in which the lands or estates may be situated,[b] to[c] the Sadr Diwání Adálat and Nizamát Adálat.

Management of attached estates.

10. *First.*—The land or estates which may be so temporarily attached shall be held under the management of the officers of Government in the Re-

[a] The words "of Circuit" in s. 4, which were repealed by Act XVI of 1874, have been omitted.
[b] Certain words of s. 9, which were repealed by Act XVI of 1874, have been omitted.
[c] *Sic: read* "and to".

venue Department, and the collections shall be made and adjudged on the same principles as those of other estates held under khás management.

*Second.*—Such lands or estates shall not be liable to be sold in execution of decrees of the Civil Courts, or for the realization of fines or otherwise, during the period in which they may be so held under attachment. Attached lands not liable to sale in execution.

*Third.*—In the cases mentioned in the preceding clause, the Government will make such arrangement as may be fair and equitable for the satisfaction of the decrees of the Civil Courts. Government to arrange for satisfaction of decrees.

11. Whenever the Governor General in Council shall be of opinion that the circumstances which rendered the attachment of such estate necessary have ceased to operate, and that the management of the estate can be committed to the hands of the proprietor without public hazard or inconvenience, the Revenue-authorities will be directed to release the estate from attachment, to adjust the accounts of the collections during the period in which they may have been superintended by the officers of Government, and to pay over to the proprietor the profits from the estate which may have accumulated during the attachment. Release of estate from attachment.

## B.—LOCAL ACTS OF THE GOVERNOR GENERAL IN COUNCIL.

### ACT No. III OF 1867.[a]

*Received the Governor General's assent on the 25th January, 1867.*

An Act to provide for the punishment of public gambling and the keeping of common gaming-houses in the North-Western Provinces of the Presidency of Fort William, and in the Punjab, Oudh, the Central Provinces and Lower Burma.[b]

Preamble.

WHEREAS it is expedient to make provision for the punishment of public gambling and the keeping of common gaming-houses in the territories[b] respectively subject to the governments of the Lieutenant-Governor of the North-Western Provinces of the Presidency of Fort William, of the Lieutenant-Governor of the Punjab, and to the administrations of the Chief Commissioner of Oudh, of the Chief Commissioner of the Central Provinces, and of the Chief Commissioner of Lower Burma;[b] It is hereby enacted as follows:—

Interpretation-clause. "Lieutenant-Governor." "Chief Commissioner."

1. In this Act "Lieutenant-Governor" means the Lieutenant-Governor of the said North-Western Provinces or the Punjab, as the case may be:

"Chief Commissioner" means the Chief Commissioner of Oudh, the Central Provinces or Lower Burma,[b] as the case may be:

"Common gaming-house."

"Common gaming-house" means any house, walled enclosure, room or place in which cards, dice, tables or other instruments of gaming are kept or used for the profit or gain of the person owning, occupying, using or keeping such house, enclosure, room or place, whether by way of charge for the use of the instruments of gaming, or of the house, enclosure, room or place, or otherwise howsoever:

Number.

Words in the singular include the plural, and *vice versâ:* and

Gender.

Words denoting the masculine gender include females.

Power to extend Act.

2. Sections 13, 17 and 18[c] of this Act shall extend to the whole of the said territories; and it shall be competent to the Lieutenant-Governor or the Chief Commissioner, as the case may be, whenever he may think fit, to extend, by a notification to be published in three successive numbers of the official Gazette, all or any of the remaining sections of this Act to any city,

[a] This Act has been declared in force in British Baluchistan—see Reg. I of 1890, s. 3 (*l*), *infra*, p. 89. It has also been applied to the Agency Territories—see the Baluchistan Agency Laws Law, 1890, s. 4 (*l*), *infra*, p. 137.

[b] These territories are now known as Lower Burma—see Act XX of 1886, s. 2 (*l*) (*b*), and the Chief Commissioner is styled Chief Commissioner of Burma—see Proclamation dated 25th September, 1886, in Gazette of India, 25th *idem*, Pt. I, p. 589.

[c] S. 18 has been repealed—see *infra*, p. 13.

town, suburb, railway-station-house and place being not more than three miles distant from any part of such station-house within the territories subject to his government or administration, and in such notification to define, for the purposes of this Act, the limits of such city, town, suburb or station-house, and from time to time to alter the limits so defined.

From the date of any such extension, so much of any rule having the force of law which shall be in operation in the territories to which such extension shall have been made, as shall be inconsistent with or repugnant to any section so extended, shall cease to have effect in such territories.

Penalty for owning or keeping, or having charge of, a gaming-house.

3. Whoever being the owner or occupier, or having the use, of any house, walled enclosure, room or place, situate within the limits to which this Act applies, opens, keeps or uses the same as a common gaming-house; and

whoever, being the owner or occupier of any such house, walled enclosure, room or place as aforesaid, knowingly or wilfully permits the same to be opened, occupied, used or kept by any other person as a common gaming-house; and

whoever has the care or management of, or in any manner assists in conducting, the business of any house, walled enclosure, room or place as aforesaid, opened, occupied, used or kept for the purpose aforesaid; and

whoever advances or furnishes money for the purpose of gaming with persons frequenting such house, walled enclosure, room or place,

shall be liable to a fine not exceeding two hundred rupees, or to imprisonment of either description, as defined in the Indian Penal Code,[a] for any term not exceeding three months.

XLV of 1860.

Penalty for being found in gaming-house.

4. Whoever is found in any such house, walled enclosure, room or place, playing or gaming with cards, dice, counters, money or other instruments of gaming, or is found there present for the purpose of gaming, whether playing for any money, wager, stake or otherwise, shall be liable to a fine not exceeding one hundred rupees, or to imprisonment of either description, as defined in the Indian Penal Code, for any term not exceeding one month;

and any person found in any common gaming-house during any gaming or playing therein shall be presumed, until the contrary be proved, to have been there for the purpose of gaming.

Power to enter and authorize

5. If the Magistrate of a district,[b] or other officer invested with the full powers of a Magistrate,[b] or the District Superintendent of Police, upon

[a] See the revised edition of Act XLV of 1860, as modified up to 1st August, 1890, published by the Legislative Department.

[b] Now District Magistrate or Magistrate of the first class—see Act X of 1882, s. 3. For Act X of 1882, as modified up to the 15th December, 1888, see the revised edition published by the Legislative Department.

police to enter and search.

credible information, and after such inquiry as he may think necessary, has reason to believe that any house, walled enclosure, room or place is used as a common gaming-house,

he may either himself enter or by his warrant authorize any officer of police, not below such rank as the Lieutenant-Governor or Chief Commissioner shall appoint in this behalf, to enter, with such assistance as may be found necessary, by night or by day, and by force if necessary, any such house, walled enclosure, room or place,

and may either himself take into custody, or authorize such officer to take into custody, all persons whom he or such officer finds therein, whether or not then actually gaming;

and may seize or authorize such officer to seize all instruments of gaming, and all moneys and securities for money, and articles of value, reasonably suspected to have been used or intended to be used for the purpose of gaming, which are found therein;

and may search or authorize such officer to search all parts of the house, walled enclosure, room or place, which he or such officer shall have so entered, when he or such officer has reason to believe that any instruments of gaming are concealed therein, and also the persons of those whom he or such officer so takes into custody;

and may seize or authorize such officer to seize and take possession of all instruments of gaming found upon such search.

Finding cards, &c., in suspected houses, to be evidence that such houses are common gaming-houses.

6. When any cards, dice, gaming-tables, cloths, boards or other instruments of gaming are found in any house, walled enclosure, room or place, entered or searched under the provisions of the last preceding section or about the person of any of those who are found therein, it shall be evidence, until the contrary is made to appear, that such house, walled enclosure, room or place is used as a common gaming-house, and that the persons found therein were there present for the purpose of gaming, although no play was actually seen by the Magistrate or police-officer, or any of his assistants.

Penalty on persons arrested for giving false names and addresses.

7. If any person found in any common gaming-house entered by any Magistrate or officer of police under the provisions of this Act, upon being arrested by any such officer or upon being brought before any Magistrate, on being required by such officer or Magistrate to give his name and address, shall refuse or neglect to give the same, or shall give any false name or address, he may upon conviction before the same or any other Magistrate be adjudged to pay any penalty not exceeding five hundred rupees, together with such costs as to such Magistrate shall appear reasonable, and on the non-payment of such penalty and costs, or in the first instance, if to such Magis-

trate it shall seem fit, may be imprisoned for any period not exceeding one month.

On conviction for keeping a gaming-house, instruments of gaming to be destroyed.

8. On conviction of any person for keeping or using any such common gaming-house, or being present therein for the purpose of gaming, the convicting Magistrate may order all the instruments of gaming found therein to be destroyed, and may also order all or any of the securities for money and other articles seized, not being instruments of gaming, to be sold and converted into money, and the proceeds thereof with all moneys seized therein to be forfeited; or, in his discretion, may order any part thereof to be returned to the persons appearing to have been severally thereunto entitled.

Proof of playing for stakes unnecessary.

9. It shall not be necessary, in order to convict any person of keeping a common gaming-house, or of being concerned in the management of any common gaming-house, to prove that any person found playing at any game was playing for any money, wager or stake.

Magistrate may require any person apprehended to be sworn and give evidence.

10. It shall be lawful for the Magistrate before whom any persons shall be brought, who have been found in any house, walled enclosure, room or place entered under the provisions of this Act, to require any such persons to be examined on oath or solemn affirmation, and give evidence touching any unlawful gaming in such house, walled enclosure, room or place, or touching any act done for the purpose of preventing, obstructing or delaying the entry into such house, walled enclosure, room or place or any part thereof, of any Magistrate or officer authorized as aforesaid.

No person so required to be examined as a witness shall be excused from being so examined when brought before such Magistrate as aforesaid, or from being so examined at any subsequent time by or before the same or any other Magistrate, or by or before any Court on any proceeding or trial in any ways relating to such unlawful gaming or any such acts as aforesaid, or from answering any question put to him touching the matters aforesaid, on the ground that his evidence will tend to criminate himself.

Any such person so required to be examined as a witness, who refuses to make oath or take affirmation accordingly or to answer any such question as aforesaid, shall be subject to be dealt with in all respects as any person committing the offence described in section 178 or section 179 (as the case may be) of the Indian Penal Code.[a]

XLV of 1860.

Witnesses indemnified.

11. Any person who shall have been concerned in gaming contrary to this Act, and who shall be examined as a witness before a Magistrate on the trial of any person for a breach of any of the provisions of this Act relating to

[a] See the revised edition of Act XLV of 1860, as modified up to 1st August, 1890, published by the Legislative Department.

gaming, and who, upon such examination, shall in the opinion of the Magistrate make true and faithful discovery, to the best of his knowledge, of all things as to which he shall be so examined, shall thereupon receive from the said Magistrate a certificate in writing to that effect, and shall be freed from all prosecutions under this Act for anything done before that time in respect of such gaming.

Act not to apply to certain games.

12. Nothing in the foregoing provisions of this Act contained shall be held to apply to any game of mere skill wherever played.

Gaming and setting birds and animals to fight in public streets.

13. A police-officer may apprehend without warrant

any person found playing for money or other valuable thing with cards, dice, counters or other instruments of gaming, used in playing any game not being a game of mere skill, in any public street, place or thoroughfare situated within the limits aforesaid, or

any person setting any birds or animals to fight in any public street, place or thoroughfare situated within the limits aforesaid, or

any person there present aiding and abetting such public fighting of birds and animals.

Such person when apprehended shall be brought without delay before a Magistrate, and shall be liable to a fine not exceeding fifty rupees, or to imprisonment, either simple or rigorous, for any term not exceeding one calendar month;

Destruction of instruments of gaming found in public streets.

and such police-officer may seize all instruments of gaming found in such public place or on the person of those whom he shall so arrest, and the Magistrate may on conviction of the offender order such instruments to be forthwith destroyed.

Offences by whom triable

14. Offences punishable under this Act shall be triable by any Magistrate having jurisdiction in the place where the offence is committed.

But such Magistrate shall be restrained within the limits of his jurisdiction under the Code of Criminal Procedure, 1882,[a] as to the amount of fine or imprisonment he may inflict. X of 1882.

Penalty for subsequent offence.

15. Whoever, having been convicted of an offence punishable under section 3 or section 4 of this Act, shall again be guilty of any offence punishable under either of such sections shall be subject for every such subsequent offence to double the amount of punishment to which he would have been liable for the first commission of an offence of the same description:

Provided that he shall not be liable in any case to a fine exceeding six hundred rupees, or to imprisonment for a term exceeding one year.

Portion of

16. The Magistrate trying the case may direct any portion of any fine

[a] See Act X of 1882, ss. 3, 32, 34 and 446. For Act X of 1882, as modified up to the 15th December, 1888, see the revised edition published by the Legislative Department.

which shall be levied under sections 3 and 4 of this Act, or any part of the moneys or proceeds of articles seized and ordered to be forfeited under this Act, to be paid to an informer. fine may be paid to informer.

17. All fines imposed under this Act may be recovered in the manner prescribed by sections 386, 387 and 389 of the Code of Criminal Procedure, 1882,[a] and such fines shall (subject to the provisions contained in the last preceding section) be applied as the Lieutenant-Governor or Chief Commissioner, as the case may be, shall from time to time direct. Recovery and application of fines.

X of 1882.

18. [*Offences under this Act to be offences within meaning of Penal Code.*] *Rep. by Act XVI of 1874.*]

## ACT No. XXIII OF 1867.[b]

*Received the Governor General's assent on the 18th March, 1867.*

### An Act for the suppression of murderous outrages in certain Districts of British Baluchistan.[c]

Preamble.

WHEREAS in certain districts of British Baluchistan fanatics have frequently murdered or attempted to murder servants of the Queen and other persons: And whereas the general law of the country is not adequate to suppress such offences; It is hereby enacted as follows:—

1. [*Power to extend Act to any part of the Punjab.*] *Not in force either in British Baluchistan or the Agency Territories.*

Fanatics murdering or attempting to murder liable to death or transportation for life, and forfeiture of property.

2. Any fanatic who shall murder or who shall, within the meaning of the Indian Penal Code,[d] section 307, attempt to murder any servant of the Queen or other person, shall, on conviction thereof, be punished either with death or with transportation for life, and all his property shall be forfeited to Government.

XLV of 1860.

3. [*Offences under the Act to be offences under Penal Code.*] *Rep. by Act XVI of 1874.*

Forfeiture of property and disposal of bodies of fanatics killed in committing outrages punishable

4. Whenever any fanatic shall be killed in the act of committing any such offence as aforesaid, or, being wounded and taken prisoner in the act of committing any such offence as aforesaid, shall afterwards die of his wounds,

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[a] This reference in s. 17 has been amended in accordance with Act X of 1872, s. 2 and Sch. V, and Act X of 1882, s. 3. For Act X of 1882, as modified up to the 15th December, 1888, see the revised edition published by the Legislative Department.

[b] This Act has been declared in force in British Baluchistan—see Reg. I of 1890, s 3 (*l*), *infra*, p. 69. It has also been applied to the Agency Territories—see the Baluchistan Agency Laws Law, 1890, s. 4 (*l*), *infra*, p. 137.

[c] See Reg. I of 1890, s. 4 (*l*), *infra*, p. 70. In the Act, as applied to the Agency Territories, the words "the territories for the time being administered by the Agent to the Governor General in Baluchistan as such Agent" must be read for the words "British Baluchistan"—see the Baluchistan Agency Laws Law, 1890, s. 5 (*l*), *infra*, p. 138.

[d] See the revised edition of Act XLV of 1860, as modified up to 1st August, 1890, published by the Legislative Department.

under this Act.

it shall be competent to the Sessions Judge or Commissioner,[a] who under the provisions hereinafter contained would have had cognizance of the offence if the offender could have been brought to trial, to proceed to hold an inquest into the circumstances of the death of the offender, and on proof of his having been killed as aforesaid, or of his having died of wounds received as aforesaid, to adjudge that the whole of his property shall be forfeited to Government and to dispose of his body as such Sessions Judge or Commissioner[a] shall think fit.

Trial before Commissioner.

5. Subject to the provision contained in section 14 of this Act, any offence triable under this Act shall be tried by the Sessions Judge or Commissioner[a] of the Division in which it has been committed; and in respect of all such offences the Sessions Judge or Commissioner[a] shall follow the procedure prescribed for a Magistrate by section 149, Chapter XVII, and the provisions applicable to warrant-cases of the Code of Criminal Procedure[b]: X of 1872.

Provided that, if he shall be of opinion that any witness or evidence is offered for the purpose of vexation or delay or of defeating the ends of justice, he may require the accused person to satisfy him that there are reasonable grounds for believing that such witness or evidence is material, and, if the Sessions Judge or Commissioner[a] be not so satisfied, he shall not be bound to summon the witness or examine the evidence so offered.

Trial to be with aid of assessors.

6. Trials under this Act before the Sessions Judge or Commissioner[a] shall be conducted with the aid of two or more assessors as members of the Court. The Sessions Judge or Commissioner[a] may appoint such persons (other than persons specified in section 405[c] of the Code of Criminal Procedure) at such X of 1872. time and in such manner as he may think fit to serve as assessors, and no persons shall be exempt, within the meaning of section 406[c] of the same Code, from serving as such assessors.

The provisions of the Code of Criminal Procedure shall, save as aforesaid, apply to assessors appointed under this section.

What the judgment is to specify.

7. When any trial under this Act is concluded, if the accused person be convicted, it shall be sufficient if the Court, in passing judgment and in recording the finding and sentence, shall specify the offence of which he is convicted, and the Court shall immediately issue a warrant to the officer in charge of the jail in which the prisoner is confined to cause the sentence to be carried into execution, and such sentence shall be carried into execution accordingly.

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[a] For the word "Commissioner" wherever it occurred, the words "Sessions Judge or Commissioner" have been substituted—see Act IX of 1877, s. 2, in Punjab Code, Ed. 1888, p. 113.

[b] This reference in s. 5 has been amended in accordance with Act X of 1872, s. 2 and Sch. V. For corresponding provisions of Act X of 1882 compare s. 204, Chap. XXI and the provisions applicable to warrant cases. For Act X of 1882, as modified up to the 15th December, 1888, see the revised edition published by the Legislative Department.

[c] These references in s. 6 have been altered in accordance with Act X of 1872, s. 2 and Sch. V. For corresponding provisions of Act X of 1882 compare ss. 278 and 320.

No sentence of death passed under this Act shall require confirmation by any Court.

Disposal of bodies of criminals sentenced to death.

**8.** When any person shall be sentenced to death under this Act, his body shall be disposed of as the Sessions Judge or Commissioner[a] by whom he was so sentenced shall direct.

Proceedings to be reported to Chief Commissioner.

**9.** The proceedings in every trial held under this Act shall be reported to the Chief Commissioner,[b] without unnecessary delay, by the officer before whom such trial shall have been held.

No appeal from orders or sentences under this Act.

X of 1882.

**10.** Notwithstanding anything contained in the Code of Criminal Procedure, 1882[c d], no appeal shall lie from any order or sentence under this Act.

Procedure when Commissioner thinks that offender's crime is not contemplated by this Act.

XLV of 1860.

X of 1882.

**11.** If any Sessions Judge or Commissioner[a] in whom jurisdiction is vested by this Act shall be of opinion that the accused person has committed an offence punishable under the Indian Penal Code,[e] but that such offence is not contemplated by the preamble to this Act, the offender shall be dealt with in manner provided in such case by the Code of Criminal Procedure, 1882.[c]

Lieutenant-Governor's powers as to confinement of persons under this Act.

**12.** The said Chief Commissioner[b] shall have, with respect to the confinement of any person charged with or suspected of an intention to commit any offence punishable under this Act, the powers which are vested in the Governor General of India by any law regarding the confinement of persons charged with or suspected of State offences; and the provisions of any such law shall, *mutatis mutandis*, be applicable to all cases in which the Chief Commissioner[b] shall proceed under the authority of this section.

Power of Magistrate as to persons suspected.

**13.** Any person having the full powers of a Magistrate may cause any person against whom there are in his judgment grounds of proceeding under the last preceding section to be apprehended; and, after such inquiry as he may think necessary, may detain such person in safe custody until he shall have received the orders of the said Chief Commissioner,[b] to whom, in all such cases, he shall report his proceedings without unnecessary delay.

Exercise of jurisdiction conferred by this Act.

**14.** The jurisdiction conferred by this Act on a Sessions Judge or Commissioner[a] may be exercised, in the case of any offence punishable under this Act, by any person having the full powers of a Magistrate[f] whom the Sessions

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[a] See first footnote on previous page.

[b] See Reg. I of 1890, s. 4 (*l*), *infra*, p. 70. In the Act, as applied to the Agency Territories, the words "the Agent to the Governor General in Baluchistan" must be read for the words "Chief Commissioner"—see the Baluchistan Agency Laws Law, 1890, s. 5 (*l*), *infra*, p. 138.

[c] See Act X of 1882, s. 3. For Act X of 1882, as modified up to the 15th December, 1888, see the revised edition published by the Legislative Department.

[d] The reference to the Punjab Chief Court Act, 1866, has been omitted as inapplicable.

[e] See the revised edition of Act XLV of 1860, as modified up to 1st August, 1890, published by the Legislative Department.

[f] Now Magistrate of the first class—see Act X of 1882, s. 3.

Judge or Commissioner,[a] to whom he may be subordinate, or the said Chief Commissioner,[b] shall, after the commission of such offence, specially invest with such jurisdiction.

Power to withdraw any class of cases from operation of Act.

**15.** It shall be lawful for the said Chief Commissioner,[b] either on his own motion or at the request of the Chief Court of the Punjab,[c] from time to time, to withdraw any class of cases from the operation of this Act.

**16, 17.** [*Power of Chief Court to issue circular orders. Publication of such orders. Expiration of Act.*] *Not in force either in British Baluchistan or the Agency Territories.*

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# THE PRISONS ACT, 1870.

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[a] See first footnote on page 14.
[b] See second footnote on previous page.
[c] See in connection with this reference Reg. I of 1890, s. 5 (*infra*, p. 71), and the Baluchistan Agency Laws Law, 1890, s. 6 (*l*) (*infra*, p. 158). The Courts of the Chief Commissioner and of the Agent to the Governor General are the High Courts for British Baluchistan and the Agency Territories respectively—see Reg. III of 1890, s. 7 (*l*) (*infra*, p. 85), and the Baluchistan Agency Civil Justice Law, s. 7 (*l*) (*infra*, p. 153).

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SCHEDULE.—[*Repealed.*]

## ACT No. XXVI OF 1870.[a]

*Received the Governor General's assent on the 3rd October, 1870.*

### An Act to amend the law relating to Prisons.

Preamble.

WHEREAS it is expedient to amend the law relating to prisons in the North-Western Provinces, the Punjab, Oudh, the Central Provinces and Lower Burma,[b] and to provide rules for the regulation of such prisons; It is hereby enacted as follows:—

## CHAPTER I.

PRELIMINARY.

Short title.

1. This Act may be called the Prisons' Act, 1870:

Local extent.

It extends only to the territories[b] respectively under the government of the Lieutenant-Governors of the North-Western Provinces and the Punjab, and under the administration of the Chief Commissioners of Oudh, the Central Provinces and Lower Burma.[b]

[*Commencement.*] *Repealed by Act XVI of 1874.*

2. [*Repeal of Enactments.*] *Rep. by Act XII of 1873.*

Interpretation-clause. "prison;"

3. In this Act—

"prison" means any gaol or penitentiary, and includes the airing grounds or other grounds or buildings occupied for the use of the prison;

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[a] This Act has been declared in force in British Baluchistan—see Reg. I of 1890, s. 3 (*1*), *infra*, p. 69. It has also been applied to the Agency Territories—see the Baluchistan Agency Laws Law, 1890, s. 4 (*1*), *infra*, p. 137.

[b] These territories are now known as Lower Burma—see Act XX of 1886, s. 2 (*1*) (*b*), and the Chief Commissioner is styled Chief Commissioner of Burma—see Proclamation, dated 25th September, 1886, in Gazette of India, 25th *idem*, Pt. I, p. 539.

"criminal prisoner."

"civil prisoner."

"criminal prisoner" means any prisoner charged with or convicted of a crime;

and "civil prisoner" means any prisoner confined in a civil jail, or on the civil side of a jail.

## CHAPTER II.

### MAINTENANCE AND OFFICERS OF PRISONS.

Local Government to provide prison-accommodation.

4. The Local Government shall provide for the prisoners in the territories under such Government accommodation in a prison or prisons constructed and regulated in such manner as to comply with the requisitions of this Act in respect of the separation of prisoners.

Temporary shelter of prisoners.

5. Whenever it appears to the Local Government that the number of prisoners in any prison is greater than can conveniently or safely be kept therein,

or whenever from the outbreak of epidemic disease within any prison, or for any other reason, it is desirable to provide for the temporary shelter and safe custody of any prisoners,

provision shall be made, by such officer and in such manner as the Local Government from time to time directs, for the temporary shelter and safe custody of so many of the prisoners as cannot be conveniently or safely kept in the prison.

Prisoners for whom such temporary shelter is provided shall be subject to the same rules as if they were within the prison.

Inspector General of Prisons.

6. [a]An Inspector General of Prisons shall be appointed in the North-Western Provinces, the Punjab and Oudh by the Local Government, and in the Central Provinces and Lower Burma[b] by the Governor General in Council.[a]

In each Inspector General so appointed shall be vested (subject to the orders of the Local Government) the general control and superintendence of all prisons situate in the territories under such Government.

Officers of prison.

7. For every prison there shall be a superintendent, a medical officer (who may also be the superintendent), a gaoler and such subordinate officers as the Local Government thinks necessary.

Subject to the orders of the Governor General in Council, the Local Government may direct that for any specified prison there shall also be a deputy medical officer and a deputy gaoler.

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[a-a] This sentence of s. 6 has been substituted for the original sentence by Act XIV of 1878, s. 2, printed in North-Western Provinces Code, Ed. 1880, p. 279.

[b] The reference in s. 6 to British Burma has been altered in accordance with Act XX of 1886, s. 4.

Appointment of officers.

**8.** The Local Government shall appoint the superintendent and the medical officer and the deputy medical officer.

The superintendent (subject to the approval of the Inspector General of Prisons) shall appoint the gaoler and deputy gaoler.

The superintendent shall also appoint the subordinate officers.

Salaries, suspension and dismissal of officers.

**9.** Every officer appointed under this Act shall receive such salary as (subject to the approval of the Governor General of India in Council) the Local Government directs; and may be suspended or dismissed by the authority appointing him:

Provided that no gaoler or deputy gaoler shall be dismissed without the consent of the Inspector General of Prisons.

Any subordinate officer dismissed under this section may appeal to the Inspector General, whose orders on such appeal shall be final.

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## CHAPTER III.

### DUTIES OF OFFICERS.

#### *Generally.*

Officers to obey superintendent.

**10.** All officers of a prison shall obey the directions of the superintendent: all subordinate officers shall perform such duties as may be directed by the gaoler with the sanction of the superintendent; and the duties of each subordinate officer shall be inserted in a book to be kept by him.

Officers not to sell or let to prisoners.

**11.** No officer of a prison shall sell or let, nor shall any person in trust for or employed by him sell or let, or derive any benefit from selling or letting, any article to any prisoner.

Officers not to contract with prisoners;

not to benefit by sales.

**12.** No officer of a prison shall, nor shall any person in trust for or employed by him, have any interest, direct or indirect, in any contract for the supply of the prison: nor, except so far as is expressly allowed by rules made under section 54, shall he derive any benefit, directly or indirectly, from the sale of any article on behalf of the prison or belonging to a prisoner.

#### *Superintendent.*

Duties of superintendent.

**13.** Subject to the orders of the Inspector General of Prisons, the superintendent shall—

manage the prison in all matters relating to discipline, labour, expenditure, punishment and control:

correspond on all matters connected with the prison with and through the Inspector General:

submit to the Inspector General all bills of prison-expenditure with proper vouchers for audit:

report to the Inspector General from time to time, as they occur, all escapes and recaptures, and all outbreaks of epidemic disease:

send to the Inspector General returns of all prisoners sentenced to transportation:

periodically inspect all property of the Government in his charge, and report thereon to the Inspector General;

and, generally, obey all rules made under section 54 for the guidance of the superintendent.

The superintendent shall also obey all orders respecting the prison given by the Magistrate of the district[a] or the Deputy Commissioner, as the case may be, and shall report to the Inspector General all such orders and the action taken thereon.

*Medical Officer.*

Power to make rules as to medical officer's duties.

14. The Local Government shall make rules as to each of the following matters:—

how often the medical officer shall visit the prison and see each prisoner:

the records to be made respecting sick prisoners:

periodical inspection of every part of the prison:

reports on its cleanliness, drainage, warmth and ventilation:

reports on the provisions, water, clothing and bedding supplied to the prisoners.

Medical officer to obey rules. To report special cases.

The medical officer shall obey such rules.

15. Whenever the medical officer has reason to believe that the mind of a prisoner is, or is likely to be, injuriously affected by the discipline or treatment to which he is subjected, the medical officer shall report the case in writing to the superintendent, together with such directions as the medical officer thinks proper.

To make entries as to death of prisoners.

16. On the death of any prisoner, the medical officer shall forthwith record in writing the following particulars, namely:—

when the deceased was taken ill,

when the medical officer was first informed of the illness,

the nature of the disease,

when the prisoner died,

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[a] Now District Magistrate—see Act X of 1882, s. 3. For Act X of 1882, as modified up to the 15th December, 1886, see the revised edition published by the Legislative Department.

and (in cases where a *post mortem* examination is made) an account of the appearances after death,

together with any special remarks that appear to the medical officer to be required.

Deputy medical officer.

**17.** Where a deputy medical officer is appointed to a prison, he shall be competent to perform any duty required by this Act, or by any rule made hereunder, to be performed by the medical officer.

Subordinate medical officer.

When there is no deputy medical officer, or when his services are not available by reason of sickness or other cause, the Local Government may, by general or special order, appoint a subordinate medical officer to act as a substitute for the medical officer, and the subordinate medical officer so appointed shall perform all the duties of the medical officer.

*Gaoler.*

Residence of gaoler.

**18.** The gaoler shall reside in the prison, unless the superintendent permits him in writing to reside elsewhere. The gaoler shall not, without the Inspector General's sanction, be concerned in any other employment.

To deliver list of prisoners in punishment-cells.

**19.** The gaoler shall deliver to the medical officer daily a list of such prisoners as are confined in punishment-cells.

To give notice of death of prisoners.

**20.** Upon the death of a prisoner, the gaoler shall give immediate notice thereof to the superintendent.

To keep enumerated books and accounts.

**21.** The gaoler shall keep, or cause to be kept, the following records :—

(1) a register of warrants ;

(2) a book showing when each prisoner is to be released ;

(3) a punishment-book for the entry of the punishments inflicted for prison-offences ;

(4) a visitors' book for the entry of any observations made by visitors to the prison ;

(5) a record of the money and other articles taken from prisoners ;

and all such other records as may be prescribed by rules made under section 54.

Responsible for safe custody of documents.

**22.** The gaoler shall be responsible for the safe custody of the records to be kept by him under section 21, and also for the commitments and all other documents confided to his care.

Not to be absent without leave.

**23.** The gaoler shall not be absent from the prison for a night without permission in writing from the superintendent ; but, if absent without leave for a night from unavoidable necessity, he shall report the fact and the cause of it to the superintendent.

Deputy gaoler.

24. Where a deputy gaoler is appointed to a prison, he shall be competent to perform any duty required by this Act or by any rule made under section 54 to be performed by the gaoler.

Where there is no deputy gaoler, or where his services are not available by reason of sickness or other cause, the superintendent shall, when the gaoler is absent from the prison or temporarily incapacitated, appoint an officer of the prison to act as his substitute during such absence or incapacity, and the substitute so appointed shall have all the powers and perform all the duties of the gaoler.

*Subordinate Officers.*

Powers of gate-porter.

25. The officer acting as gate-porter, or any other officer of the prison, may examine anything carried in or out of the prison, and may stop and search any person suspected of bringing in spirits or other prohibited articles into the prison, or of carrying out any property belonging to the prison, and, if any such articles or property be found, shall give immediate notice thereof to the gaoler.

Subordinate officers not to be absent without leave.

26. Subordinate officers shall not be absent from the prison without leave from the superintendent, or from the gaoler, and before absenting themselves they shall leave their keys in the gaoler's office.

## CHAPTER IV.

ADMISSION, REMOVAL AND DISCHARGE OF PRISONERS.

Prisoners to be searched on entrance.

27. When a prisoner is first admitted, and whenever he afterwards enters the prison, he shall be searched, and all weapons and prohibited articles shall be taken from him.

Medical examination of criminal prisoners.

Every criminal prisoner shall also, as soon as possible after admission, be examined by the medical officer, who shall enter in a book, to be kept by the gaoler, a record of the state of the prisoner's health, and any observations which the medical officer thinks fit to add.

Effects of criminal prisoners retained.

28. All money or other effects in respect whereof no order of a competent Court has been made, and which may be brought into the prison by any criminal prisoner, or sent to the prison for his use, shall be placed in the custody of the gaoler.

Medical examination before removal and discharge of prisoners.

29. All prisoners, previously to being removed to any other prison, shall be examined by the medical officer.

No prisoner shall be removed to any other prison unless the medical officer certifies that the prisoner is free from any illness rendering him unfit for removal.

No prisoner shall be discharged against his will from prison, if labouring under any acute or dangerous distemper, nor until, in the opinion of the medical officer, such discharge is safe.

## CHAPTER V.

### DISCIPLINE OF PRISONERS.

Requisitions of Act as to separation of prisoners.

**30.** The requisitions of this Act, with respect to the separation of prisoners, are as follows:—

(1) In a prison containing female prisoners as well as males, the women shall be imprisoned in separate buildings or separate parts of the same building, in such manner as to prevent their seeing, or conversing, or holding any intercourse with, the men.

(2) In a prison where children under twelve years of age are confined, means shall be provided for separating them altogether from the other prisoners.

(3) Criminal prisoners before trial shall be kept apart from convicted prisoners.

(4) Civil prisoners shall be kept apart from criminal prisoners.

Rules as to separate confinement.

**31.** The Local Government shall have power to make rules—

(1) as to what cells only shall be used for the separate confinement of prisoners:

(2) as to the time during which prisoners not guilty of offences against prison-rules may be confined separately.

Cells to be furnished with means of communication.

**32.** No cell shall be used for separate confinement unless it is furnished with the means of enabling the prisoner to communicate at any time with an officer of the prison.

Prisoners under sentence of death.

**33.** Every prisoner under warrant or order for execution shall, immediately on his arrival in the prison after sentence, be searched by, or by order of, the gaoler, and all articles shall be taken from him which the gaoler deems it dangerous or inexpedient to leave in his possession.

Every such prisoner shall be confined in a cell apart from all other prisoners, and shall be placed by day and by night under the charge of an officer or guard.

## CHAPTER VI.

### FOOD, CLOTHING AND BEDDING OF PRISONERS.

Civil prisoner

**34.** A civil prisoner shall be permitted to maintain himself, and to

may maintain himself.

purchase, or receive from private sources at proper hours, food, clothing, bedding or other necessaries, but subject to examination and to such rules as may be approved by the Inspector General.

Civil prisoner not to sell provisions.

35. No part of any food, clothing, bedding or other necessaries belonging to any civil prisoner shall be sold to any other prisoner; and any civil prisoner transgressing this regulation shall lose the privilege of purchasing food or receiving it from private sources, for such time as the superintendent thinks proper.

Allowance of clothing and bedding.

36. Every civil prisoner unable to provide himself with sufficient clothing and bedding shall be supplied by the superintendent with such clothing and bedding as may be necessary.

Judgment-creditor to defray such allowance.

When any such prisoner has been committed to prison in execution of a decree in favour of a private person, such person, or his representative, shall be liable to pay to the superintendent on demand the cost of the clothing and bedding so supplied to the prisoner, and in default of such payment the prisoner shall be released.

## CHAPTER VII.

### EMPLOYMENT OF PRISONERS.

Work and earnings of civil prisoners.

37. Civil prisoners may, with the superintendent's permission, work and follow their respective trades and professions.

Civil prisoners finding their own implements and not maintained at the expense of the prison shall be allowed to receive the whole of their earnings; but the earnings of such as are furnished with implements, or are maintained at the expense of the prison, shall be subject to a deduction, to be determined by the superintendent, for the use of implements and the cost of maintenance.

Examination by medical officer of labouring prisoners.

38. The medical officer shall, from time to time, examine the labouring prisoners while they are employed, and shall enter in his journal the name of any prisoner whose health he thinks likely to be injured by a continuance at hard labour, and thereupon such prisoner shall not again be employed at such labour until the medical officer certifies that he is fit for such employment.

But if the medical officer certifies that such prisoner may without detriment to his health be employed on some lighter kind of labour, it shall be lawful for the gaoler so to employ him.

Employment.

39. Provision shall be made by the superintendent for the employment

(as long as they so desire) of all criminal prisoners sentenced to simple imprisonment. Of prisoners sentenced to simple imprisonment.

The superintendent shall make rules as to the amount and nature of such employment; but no prisoner not sentenced to rigorous imprisonment shall be punished for neglect of work, excepting by such alteration in the scale of diet as may be established by the rules of the prison in the case of neglect of work by such prisoners.

## CHAPTER VIII.

### HEALTH OF PRISONERS.

40. The names of prisoners desiring to see the medical officer or appearing out of health in mind or body shall be reported by the officer attending them to the gaoler. Names of sick prisoners to be reported to gaoler.

The gaoler shall, without delay, call the attention of the medical officer to any prisoner desiring to see him, or who is ill, or whose state of mind or body appears to require attention, Gaoler to report them to medical officer.

and shall carry into effect the medical officer's written directions respecting alterations of the discipline or treatment of any such prisoner.

41. All directions given by the medical officer in relation to any prisoner, with the exception of orders for the supply of medicines or directions relating to such matters as are carried into effect by the medical officer himself or under his superintendence, shall be entered day by day in his journal, which shall have a separate column wherein entries shall be made by the gaoler, stating in respect of each direction the fact of its having been or not having been complied with, accompanied by such observations, if any, as the gaoler thinks fit to make, and the date of the entry. Entry of directions by medical officer.

42. In every prison an infirmary or proper place for the reception of sick prisoners shall be provided. Infirmary.

## CHAPTER IX.

### VISITS TO AND CORRESPONDENCE OF PRISONERS.

43. Due provision shall be made for the admission, at proper times and under proper restrictions, into every prison of persons with whom prisoners before trial may desire to communicate. Visits to prisoners.

The Local Government shall also impose such restrictions upon the communication and correspondence of prisoners with their friends as it thinks necessary for the maintenance of good order and discipline. Correspondence of prisoners.

44. The gaoler may demand the name and address of any visitor to a Power of

gaoler as to visitors.

prisoner, and, when the gaoler has any ground for suspicion, may search visitors, or cause them to be searched, but the search shall not be in the presence of any prisoner or of another visitor.

In case of any such visitor refusing to be searched, the gaoler may deny him admission; and the grounds of such proceeding, with the particulars thereof, shall be entered in his journal.

## CHAPTER X.

### OFFENCES IN RELATION TO PRISONS.

Carrying liquor, tobacco or drugs into prison,

45. Whoever, contrary to the regulations of the prison, brings, throws or attempts by any means whatever to introduce into any prison, or any place provided under section 5 for the temporary shelter and safe custody of prisoners, any spirituous or fermented liquor, or tobacco, or intoxicating or poisonous drug,

suffering liquor, tobacco or drugs to be sold or used in prison,

and every officer of a prison who knowingly suffers any such liquor, tobacco or drug to be sold or used in such prison or place contrary to such regulations,

carrying letters into and out of prison,

and whoever, contrary to such regulations, conveys, or attempts to convey, any letter or other article not allowed by such regulations into or out of any such prison or place,

abetment of such offences.

and whoever abets within the meaning of the Indian Penal Code[a] any offence made punishable by this section, XLV of 1860.

shall, on conviction before a Magistrate, be liable to rigorous imprisonment for a term not exceeding six months, or to fine not exceeding two hundred rupees, or to both.

Notice of penalties to be placed outside prison.

46. The superintendent shall cause to be affixed, in a conspicuous place outside the prison or the place provided as aforesaid, a notice setting forth the penalties incurred by persons committing any offence under section 45.

## CHAPTER XI.

### PRISON-OFFENCES.

List of prison-offences.

47. The following acts are declared to be offences against prison-discipline:—

(1) wilful disobedience to the regulations of the prison by any prisoner;

[a] See the revised edition of Act XLV of 1860, as modified up to 1st August, 1890, published by the Legislative Department.

(2) assaults or use of criminal force by any prisoner;
(3) insulting or threatening language by any prisoner to any officer or prisoner
(4) indecent or disorderly behaviour by any prisoner;
(5) wilfully disabling himself from labour;
(6) contumaciously refusing to work;
(7) filing or cutting irons or bars;
(8) idleness or negligence at work by any convicted criminal prisoner;
(9) wilful mismanagement of work by any convicted criminal prisoner;
(10) wilful damage to prison-property;
(11) conspiring to escape, or to assist in escaping, or to commit any other of the offences aforesaid.

Superintendent's power to punish prison-offenders.

**48.** The superintendent may examine any person touching such offences, and determine thereupon, and punish such offences—

(1) by imprisoning the offender in solitary confinement for any time not exceeding seven days;
(2) by ordering the offender for any time not exceeding three days to close confinement, to be there kept upon a diet reduced to such extent as the Local Government shall prescribe;
(3) by corporal punishment not exceeding thirty stripes of a ratan; or
(4) where the offender is not sentenced to rigorous imprisonment, by hard labour for any time not exceeding seven days.

The gaoler shall enter in a separate book, called the punishment-book, a statement of the nature of any offence that has been punished under this section, with the addition of the name of the offender, the date of the offence, and the amount of punishment inflicted. Such statement shall be signed by the superintendent.

Punishment of prisoners by Magistrate.

**49.** If any prisoner is guilty of repeated offences against prison-discipline, or is guilty of any offence against prison-discipline which the superintendent thinks is not adequately punishable under section 48, the superintendent shall report the same to the Magistrate of the district[a] or any Magistrate empowered to receive complaints without reference by the Magistrate of the district.[a]

Such Magistrate shall have power to inquire upon oath and to determine concerning any matter so reported to him, and to sentence the offender to be punished—

by confinement in a punishment-cell or in irons for any term not exceeding six months,

[a] Now District Magistrate—see Act X of 1882, s. 3. For Act X of 1882, as modified up to the 15th December, 1888, see the revised edition published by the Legislative Department.

or by corporal punishment not exceeding thirty stripes of a rattan,

or by rigorous imprisonment for a term not exceeding six months, such term to be in addition to the term for which he is undergoing imprisonment.

Nothing in this or the last preceding section shall authorize the infliction of corporal punishment, or confinement in irons, on any female prisoner or any civil prisoner.

Corporal punishment.

**50.** All corporal punishment within the prison shall be inflicted in the presence of the superintendent, subject to the law[a] for the time being in force relating to the infliction of corporal punishment and the precautions to be taken in reference thereto.

Penalty on officers ill-treating prisoners or violating rules.

**51.** Every gaoler and subordinate officer of a prison ill-treating any prisoner, or wilfully violating or neglecting any rule contained in this Act or made under section 54, shall be liable, on conviction before the superintendent, to fine not exceeding one hundred rupees, or, on conviction before a Magistrate not being the superintendent, to fine not exceeding two hundred rupees, or rigorous imprisonment for a term not exceeding one month, or both.

Any fine imposed by the superintendent under this section may be recovered, either by deductions from the convicted officer's salary and allowances, or under the law[b] for the time being in force for the recovery of fines.

No person shall, under this section, be punished twice for the same offence.

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## CHAPTER XII.

### MISCELLANEOUS.

Confinement in irons of prisoners sentenced to rigorous imprisonment.

**52.** Whenever the superintendent considers it necessary (with reference either to the state of the prison or the character of the prisoners) for the safe custody of any prisoners that they should be confined in irons, the superintendent may so confine them.

Confinement in irons by gaoler of his own authority.

**53.** Except in case of urgent necessity, no prisoner shall be put in irons or under mechanical restraint by the gaoler by his own authority, and notice thereof shall be forthwith given to the superintendent.

Except in case of urgent necessity, no prisoner shall be kept in irons or under mechanical restraint for more than twenty-four hours, without an order in writing from the superintendent specifying the cause thereof, and

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[a] See now ss. 390—395 of Act X of 1882. For Act X of 1882, as modified up to the 15th December, 1888—see the revised edition published by the Legislative Department.

[b] See Act I of 1868, s. 5, in General Acts, 1867-76, Ed. 1887, p. 19.

the time during which the prisoner is to be kept in irons or under mechanical restraint. Such order shall be kept by the gaoler as his warrant.

Power to make supplementary prison-rules.

**54.** The Local Government may, from time to time, make rules consistent with this Act—

(1) for the government of prisons and for the guidance of all officers appointed hereunder:

(2) as to sales of articles on behalf of prisons or belonging to prisoners, and as to the commission receivable thereon:

(3) as to the food and clothing of criminal prisoners:

(4) for the employment and control of convicts within or without prisons, and for the guidance of the guards in charge of such convicts:

(5) for remission of sentences:

(6) for rewards for good conduct: and

(7) for the appointment and guidance of visitors of prisons.

Copies of such rules, so far as they affect the government of prisons, shall be exhibited in some place to which all persons employed within a prison have access.

Present rules.

**55.** All rules now in force relating to any of the matters mentioned in sections 14, 31, 39 and 54 shall, so far as such rules are consistent with this Act, be deemed to have been made under those sections respectively.

Exercise of powers of superintendent.

**56.** All or any of the powers and duties conferred and imposed by this Act on a superintendent may be exercised and performed by such other officer as the Local Government from time to time appoints in this behalf.

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# THE EXCISE ACT, 1881.

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## ACT No. XXII OF 1881.[a]

*Received the Governor General's assent on the 26th October, 1881.*

An Act[c] to amend the law relating to the Excise-revenue in Northern India, Lower Burma[b] and Coorg.

Preamble. WHEREAS it is expedient to amend the law in force in Northern India, Lower Burma[b] and Coorg, relating to the production, sale, possession and import of spirit, fermented liquors and intoxicating drugs, and the collection of the revenue derived therefrom; It is hereby enacted as follows :—

## CHAPTER I.

### PRELIMINARY.

Short title. 1. This Act may be called the Excise Act, 1881 :

Local extent. It extends to the territories[b] administered respectively by the Lieutenant-Governors of the North-Western Provinces and the Punjab and the Chief Commissioners of Oudh, the Central Provinces, Lower Burma,[b] Coorg, and Ajmere and Merwára; and

Commencement. it shall come into force on the first day of January, 1882.

Repeal of Act X of 1871. 2. On and from that day the Excise Act, 1871, shall be repealed, but all rules made, powers conferred and licenses and farms granted under that Act X of 1871.

[a] This Act, as amended by subsequent enactments, has been declared in force in British Baluchistan—see Reg. I of 1890, s. 3 (*l*), *infra*, p. 69. It has also, as so amended, been applied to the Agency Territories—see the Baluchistan Agency Laws Law, 1890, s. 4 (*l*), *infra*, p. 187.

[b] These territories are now known as Lower Burma—see Act XX of 1886, s. 2 (*d*) (*b*), and the Chief Commissioner is styled the Chief Commissioner of Burma—see Proclamation dated 25th September, 1886, in Gazette of India, 25th *idem*, Pt. I, p. 539.

and in force on the same day shall be deemed to have been respectively made, conferred and granted under this Act.

3. In this Act— Interpretation-clause.

(*a*) "Chief Revenue-authority" means— "Chief revenue-authority"

[a]in the territories administered by the Lieutenant-Governor of the North-Western Provinces—the Board of Revenue;

in the territories respectively administered by the Lieutenant-Governor of the Punjab and the Chief Commissioner of Burma[a]—the Financial Commissioner; and

in the territories respectively administered by the Chief Commissioners of Oudh, the Central Provinces,[b] Coorg, and Ajmere and Merwára—the Chief Commissioner:

(*b*) "Collector" includes any revenue-officer in independent charge of a district and any officer appointed by the Local Government to discharge, throughout any specified local area, the functions of a Collector under this Act: "Collector":

"Commissioner of Revenue" means any officer appointed by the Local Government to discharge, throughout any specified local area, the functions of a Commissioner of Revenue under this Act: "Commissioner of revenue":

(*c*) "Magistrate" means any Magistrate exercising powers not less than those of a Magistrate of the second class, or any Magistrate of the third class specially authorized in this behalf by the Magistrate of the district[c]: "Magistrate":

(*d*) "place" includes also house, boat and raft: "Place":

(*e*) "tárí" means the sap of any kind of palm tree: "Tárí":

(*f*) "fermented liquor" means malt liquor, wine, pachwai and fermented tárí, and, in any provision of this Act, shall, if the Local Government, subject to the control of the Governor General in Council, so directs, include any other fermented liquor, and also tárí though it may not have perceptibly begun to ferment: "Fermented liquor":

(*g*) "spirit" means any liquor containing alcohol obtained by distillation: "Spirit":

(*h*) the expression "intoxicating drugs" means gánja, bhang, charas and every preparation and admixture of the same: "Intoxicating drugs":

(*i*) "tola" means a weight of one hundred and eighty grains Troy: "Tola":

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[a-a] These words in s. 3, cl. (*a*), were substituted for the original words by Act XVIII of 1888, s. 7.

[b] The words "British Burma" in s. 3 (*a*), which were repealed by Act XVIII of 1888, s. 7, have been omitted.

[c] Now District Magistrate—see Act X of 1882, s. 3. For Act X of 1882, as modified up to the 15th December, 1888, see the revised edition published by the Legislative Department.

"Ser": "Retail."

(*j*) "ser" means a weight of eighty tolas:

(*k*) the articles next hereinafter mentioned shall be deemed to be sold retail within the meaning of this Act when sold in quantities not exceeding those next hereinafter specified in respect of them, that is to say,—

foreign spirit or foreign fermented liquor, two imperial gallons or twelve reputed quart bottles;

country spirit, one ser, and in Burma[a] one reputed quart bottle;

country fermented liquor, four sers, and in Burma[a] four reputed quart bottles;

bhang, or any preparation or admixture thereof, one quarter of a ser;

gánja or charas, or any preparation or admixture thereof, five tolas:

"Wholesale." "Country spirit": "Country fermented liquor": "Foreign spirit": "Foreign fermented liquor".

If sold in larger quantities they shall be deemed to be sold wholesale.

In any case in which doubt arises the Local Government may decide what for the purposes of this Act shall be deemed to be "country spirit," "country fermented liquor," "foreign spirit," and "foreign fermented liquor;" and such decision shall be binding on the Courts.

Saving of Acts XVI of 1863 and XIII of 1889.

4. Nothing herein contained shall affect Act No. XVI of 1863[b] (*to make special provision for the levy of the Excise Duty payable on Spirits used exclusively in Arts and Manufactures or in Chemistry*) or the Cantonments Act, 1889.[c] XIII of 1889.

## CHAPTER II.

### PRODUCTION OF SPIRIT, FERMENTED LIQUOR AND INTOXICATING DRUGS.

Manufacture of spirit and liquor without license prohibited.

5. No person shall construct, work or possess a distillery, still or brewery, or manufacture fermented liquor, in any district except under a license granted by the Collector or by a person authorised by the Collector to grant such license, and in accordance with the conditions (if any) contained therein.

Power to establish distilleries for country spirit.

6. The Collector may, with the previous sanction of the Chief Revenue-authority, from time to time,—

(*a*) establish at any place within his district a distillery in which country spirit may be made, and discontinue any distillery so established;

(*b*) fix limits within his district within which no such spirit, unless made in the said distillery, shall be introduced without a pass from him.

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[a] "Burma" was substituted for "British Burma" in s. 3, cl. (*k*), by Act XVIII of 1888, s. 7.

[b] Printed, General Acts, 1834—66, Ed. 1887, p. 382.

[c] The reference to the Cantonments Act, 1889, has been altered in accordance with Act XIII of 1889, s. 2 (*3*).

Duty on spirit.

**7.** No spirit shall be removed from any distillery licensed under section 5 or established under section 6 until—

(*a*)[a] such duty as the Local Government may from time to time fix in respect of such spirit has been paid, or

(*b*) a bond for such duty has been executed, or

(*c*) a duty in respect of the materials used in making such spirit has been levied at such rates and in such manner as the Local Government, with the previous sanction of the Governor General in Council, may from time to time direct.

Duty on fermented liquor.

**7A.**[b] No fermented liquor shall be removed from a brewery licensed under section 5 until—

(*a*) duty has been paid thereon at the rate for the time being leviable under the Indian Tariff Act, 1882,[c] on like liquor imported by sea into any part of British India except Aden and Perim, or at such lower rate as the Local Government, having regard to the circumstances of the brewery or of the local area in which the brewery is situate, may from time to time prescribe, or

XI of 1882.

(*b*) a bond for such duty has been executed.

Power to make rules as to distilleries and breweries licensed under section 5;

**8.**[d] The Chief Revenue-authority may, from time to time make rules as to—

(*a*) the granting of licenses for distilleries, stills and breweries under section 5;

(*b*) the notices to be given by the proprietor of a licensed distillery or licensed brewery when he commences and discontinues work;

(*c*) the size and description of the stills in such distillery;

(*d*) the storing and passing out of the spirit made in such distillery, or of the fermented liquor made in such brewery, and the contents of the passes;

(*e*) the inspection and examination of such distillery or brewery and the warehouses connected therewith, and of the spirit or fermented liquor made and stored therein;

(*f*) the furnishing of statements of the spirit and the stills, coppers, casks

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[a] This clause was substituted for the original clause (*a*) of s. 7 by Act IX of 1885, s. 2. The duty fixed before the 29th May, 1885, under s. 6 of the Indian Tariff Act, XI of 1882, is to be deemed to be the duty fixed by the Local Government under s. 7 of Act XXII of 1881—see Act IX of 1885, s. 4, in General Acts, 1885—88, Ed. 1889, p. 5.

[b] S. 7A was inserted by Act XIII of 1890, s. 2.

[c] See the revised edition of Act XI of 1882 as modified up to the 1st June, 1890, published by the Legislative Department.

[d] This section was substituted for the original s. 8 by Act XIII of 1890, s. 3.

and other utensils in such distillery, or of the fermented liquor and the mashtuns, underbacks, wort-receivers, coppers, heating tanks, coolers, and collecting, fermenting and other vessels in such brewery.

and for distilleries established under section 6.

9. The Chief Revenue-authority may, from time to time, make rules as to—

(*a*) the management of distilleries established under section 6, and in particular as to the conditions on which any materials to be used in making spirit may be brought into such distillery;

(*b*) the conditions on which spirit may be made in such distilleries; and

(*c*) the storing and passing out of the spirit so made, and the contents of the passes.

Sanction to rules under sections 8 and 9.

10. Except in the territories respectively administered by the Chief Commissioners of Oudh, the Central Provinces,[a] Coorg and Ajmere and Merwára, the sanction of the Local Government is required to validate rules under sections 8 and 9.

Production of intoxicating drugs.

11. In Burma,[b] the cultivation of hemp and the preparation of intoxicating drugs therefrom are prohibited except under, and in accordance with, a license granted by such officer as the Chief Commissioner may from time to time appoint in this behalf.

In the other territories to which this Act extends, the Chief Revenue-authority may, from time to time, make such rules to restrict and regulate the cultivation of hemp and the preparation of intoxicating drugs therefrom as it may deem necessary to secure the duty leviable in respect of those drugs.

## CHAPTER III.

### SALE OF SPIRIT, FERMENTED LIQUOR AND INTOXICATING DRUGS.

Spirit, fermented liquor and drugs not to be sold without license.

12. No spirit, fermented liquor or intoxicating drug shall be sold except under, and in accordance with the terms of, a license granted under the provisions hereinafter contained:

Proviso.

Provided as follows:—

(*a*) nothing in this section applies to the sale of any foreign spirit or foreign fermented liquor legally procured by any person for his private use and sold by him or by auction on his behalf or on behalf of

[a] The words "British Burma" in s. 10, which were repealed by Act XVIII of 1888, s. 7, have been omitted.

[b] "Burma" was substituted for "British Burma" in s. 11 by Act XVIII of 1888, s. 7.

his representatives in interest upon his quitting a station or after his decease;

(*b*) any officer empowered in this behalf by the Chief Revenue-authority may grant to travelling merchants, subject to such rules and restrictions as such authority may from time to time prescribe, a general license authorizing them to sell foreign spirit and foreign fermented liquor wholesale in any district which they may visit in the course of their travels, without taking out a fresh license for that district;

(*c*) any person making or producing country spirit or country fermented liquor, in accordance with the provisions of this Act, may, subject to any rules from time to time made by the Local Government in this behalf, sell such spirit or liquor to any person licensed under this Act as a retail vendor of such spirit or liquor;

(*d*) any cultivator of the hemp plant may sell any intoxicating drug prepared from his plants to any person licensed under this Act to sell the same, or to any person authorized to purchase the same by the Collector's order in writing.

Licenses how granted.

13. Subject to the rules made by the Chief Controlling Revenue-authority[a] under the power hereinafter conferred, the Collector may grant licenses for the sale of foreign spirit and foreign fermented liquor, wholesale or retail, and for the retail sale of country spirit or country fermented liquor, and (except in Burma[b]) of intoxicating drugs, within his district or any part thereof or at any place therein.

Licenses for the sale of country spirit and country fermented liquor and intoxicating drugs, wholesale, and licenses for the sale, in Burma[b], of intoxicating drugs, retail, shall be granted only by such officer as the Local Government from time to time appoints in this behalf.

Power to cancel license for cause specified therein.

Any license granted under this section may be cancelled by the Collector for any cause specified therein.

Power to cancel license for other causes.

14. Whenever the Collector considers that the license of a vendor of country spirit, country fermented liquor or intoxicating drugs should be cancelled for any cause other than those specified in such license, he shall remit a sum equal to the amount of the license-fee for fifteen days, and shall either give fifteen days' previous notice of his intention to cancel the license, or shall, in addition to remitting such sum as aforesaid, make such compensation for

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[a] *Sic. Read* Chief Revenue-authority.
[b] "Burma" was substituted for "British Burma" in s. 13 by Act XVIII of 1888, s. 7.

default of notice as the Commissioner of Revenue or Chief Revenue-authority directs.

On the expiration of such notice or the payment of such additional compensation, the Collector may cancel the said license.

Surrender of retail license.

**15.** Any retail vendor licensed under this Act may surrender his license on the expiration of one month's previous notice given by him to the Collector of his intention to surrender the same, and on payment of such sum, not exceeding the amount of the license-fee for six months, as the Collector may fix in this behalf.

If the Collector is satisfied that there is a sufficient reason for surrendering a license, he may remit the sum so fixed.

Power to farm fees.

**16.** The Collector may, with the sanction of the Chief Revenue-authority, let in farm—

(*a*) the fees leviable in any district or part of a district on licenses for the retail sale of any description of country spirit or country fermented liquor or (except in Burma[a]) of intoxicating drugs:

(*b*) the right to manufacture, in any district or part of a district in which no distillery is established under section 6, country spirit or country fermented liquor.

Farmer to grant licenses.

When the fees so leviable or the right to manufacture such spirit or liquor, or both, are or is let in farm, the farmer may, subject to such reservations or restrictions as the Collector, with the sanction of the Chief Revenue-authority, may from time to time make or impose, grant licenses for the retail sale, or for the manufacture, or for both, as the case may be, of such articles within the local limits of his farm, and shall file in the Collector's office a list of all the licenses granted by him in such form and on such day or days in each year as the Chief Revenue-authority may, from time to time, prescribe in this behalf.

List of licenses granted by farmer to be filed.

Farm may be cancelled.

**17.** The Collector may, with the sanction of the Chief Revenue-authority, cancel any farm granted under this Act.

Compensation to farmers in certain cases.

**18.** If any such farm be cancelled for any cause other than a breach on the part of the farmer of the conditions of the farm, or if any reservation or restriction with respect to the grant of licenses be made or imposed within the term of the farm, the farmer shall be entitled to receive for any loss which he sustains thereby such compensation as the Chief Revenue-authority may determine.

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[a] "Burma" was substituted for "British Burma" in s. 16, cl. (*a*), by Act XVIII of 1898, s. 7.

*(Chap. III.—Sale of Spirit, Fermented Liquor and Intoxicating Drugs. Secs. 19-20. Chap. IV.—Possession of Spirit, Fermented Liquor and Intoxicating Drugs. Secs. 21-22. Chap. V.—Import of Spirit and Fermented Liquor. Sec. 23.)*

19. Every farmer under this Act may use the same means and processes for the recovery of any arrear of fees due to him from any retail vendor as may be lawfully used by the local landholders for the recovery of arrears of rent due to them from their tenants. Recovery of arrears by farmers.

20. The Chief Revenue-authority may, from time to time, make rules to regulate the mode in which tárí shall be supplied to licensed vendors of the same, and the grant of licenses or passes to persons possessing or transporting intoxicating drugs for the supply of the licensed vendors of such drugs. Power to regulate supply of tárí and intoxicating drugs to licensed vendors.

## CHAPTER IV.

### POSSESSION OF SPIRIT, FERMENTED LIQUOR AND INTOXICATING DRUGS.

21. No person shall have in his possession any quantity of any spirit or fermented liquor larger than that specified in section 3, clause (*k*), in respect of such spirit or liquor, unless he is permitted to manufacture or sell the same, or he holds a pass therefor from the Collector or from some other officer empowered by the Local Government to grant such passes : Possession of spirit, &c.

Nothing in this section extends to— Proviso.

(*a*) any foreign spirit or foreign fermented liquor in the possession of any common carrier or warehouseman as such, or purchased by any person for his private use and not for sale, or

(*b*) tárí intended to be used for the manufacture of gur or molasses.

22. In Burma[a] no person shall have in his possession any intoxicating drugs except under, and in accordance with the terms of, a general exemption granted by the Chief Commissioner, or a license granted by such officer as the Chief Commissioner may, from time to time, appoint in this behalf. Possession of intoxicating drugs.

In the other territories to which this Act extends, no person shall have in his possession any larger quantity of such drugs than that specified in section 3, clause (*k*), in respect of such drugs, unless he is permitted to manufacture or sell the same.

## CHAPTER V.

### IMPORT OF SPIRIT [b]AND FERMENTED LIQUOR[b].

23.[c] (*1*) A person shall not bring into any territory to which this Act Spirit and

[a] "Burma" was substituted for "British Burma" in s. 22 by Act XVIII of 1888, s. 7.

[b-b] The addition of these words in the heading to Chapter V is necessitated by the amendments made by Act II of 1887.

[c] This section was substituted for the original s. 23 by Act II of 1887, s. 5.

Fermented liquor from foreign territory subject to duty.

extends any spirit manufactured at any place in India beyond the limits of British India, until he has obtained a pass therefor from such officer as the Local Government from time to time appoints in this behalf, and has paid in respect thereof—

(*a*) if the Local Government has fixed a duty under clause (*a*) of section 7 for like spirit manufactured in the part of the territory into which the spirit is to be brought, that duty, or

(*b*) if the Local Government has not fixed a duty under that clause for like spirit manufactured in that part, a duty at such rate as the Local Government from time to time prescribes in this behalf, not exceeding the highest rate leviable, under the law[a] for the time being in force, on spirit imported into British India by sea.

(*2*) The provisions of sub-section (*1*) with respect to spirit shall apply to fermented liquor also, with this modification that the duty to be paid in respect of the liquor shall be the duty leviable on like liquor under the Indian Tariff Act, 1882,[a] [b]or such lower duty as the Local Government, having regard[b] to the rate or rates of duty for the time being leviable under clause (*a*) of section 7A, may from time to time prescribe[b]. XI of 1882.

(*3*) If any question arises as to the duty to be charged on any spirit or fermented liquor under this section, the decision of the Local Government thereon shall be final.

## CHAPTER VI.

### OFFICERS AND THEIR POWERS.

Collectors may appoint Excise-officers.

24. The Collector may appoint persons, by name or by virtue of their office, to be officers for the collection of the excise-revenue and for the prevention of offences against this Act; and the officers so appointed shall, in addition to their ordinary designations (if any), be styled Excise-officers.

Recovery of arrears of fees.

25. The Collector may recover any amount due to the Government under this Act or the rules made hereunder, by distress and sale of the moveable property of the person from whom such amount is due or of his surety, or by any other process for the time being in force for the recovery of arrears of land-revenue due from landholders or from farmers of land or their sureties.

Power of Excise-officers to inspect shops;

26. Any Excise-officer may enter and inspect at any time by day or by night the shop or premises in which any manufacturer or vendor licensed

[a] See the revised edition of Act XI of 1882 as modified up to the 1st June, 1890, published by the Legislative Department.

[b-b] These words in s. 23 (*2*) were added by Act XIII of 1890, s. 4.

under this Act carries on the manufacture of country spirit, or the sale of country spirit, country fermented liquor or intoxicating drugs.

to arrest persons carrying spirit, &c., liable to confiscation;

**27.** Any Excise-officer may stop and detain any person carrying any spirit, fermented liquor or intoxicating drug liable to confiscation under this Act;

and may seize such spirit, liquor or drug, together with any vessels, packages or coverings in which it is contained, and any animals and conveyances used in carrying it;

and may also arrest the person in whose possession such spirit, liquor or drug is found.

to arrest persons in possession of article liable to confiscation, and to seize article

**28.** Any Excise-officer in the receipt of a monthly salary of not less than ten rupees [a]or who receives an annual remuneration equivalent to such salary[a] may arrest any person having in his possession any article liable to confiscation under this Act, or engaged in the unlawful sale of any spirit, fermented liquor or intoxicating drug, and may seize such article, spirit, liquor or drug.

to search on information of illicit manufacture or possession.

**29.** When any excise-officer in receipt of such monthly salary [b]or annual remuneration[b] as aforesaid has reason to believe, from information given by any person (which information shall be taken down in writing), that in any place spirit is unlawfully manufactured, or any article liable to confiscation under this Act is kept or concealed,

such officer may, after sunrise and before sunset (but always in the presence of an officer of police in the receipt of a monthly salary of not less than ten rupees [b]unless the Excise-officer is himself such an officer of police[b]), enter into such place,

and in case of resistance may break open any door and force and remove any other obstacle to such entry, and may seize and carry away such spirit or article,

and may also arrest the occupier of the place, with all other persons concerned in the manufacture of such spirit or in the keeping and concealing of such article.

Collector may issue warrant of arrest in certain cases.

**30.** The Collector may issue his warrant for the arrest of any person whom he has reason to believe, either from information in writing, or from the proceedings in any other case under this Act or any other law, to be engaged in the unlawful sale of spirit or fermented liquor or intoxicating drugs, or to have in his possession any article liable to confiscation under this Act.

Collector may issue

**31.** The Collector may issue his warrant for the search of any place in which he has reason to believe, either from information in writing, or from the

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[a-a] These words in s. 28 were inserted by Act VI of 1885, s. 1.
[b-b] These words in s. 29 were inserted by Act VI of 1885, s. 2.

search-warrant.

proceedings in any other case under this Act or any other law, that spirit is unlawfully manufactured, or that any spirit, fermented liquor or intoxicating drug liable to confiscation under this Act is kept or concealed.

Such warrant may be executed by any Excise-officer in the receipt of a monthly salary of not less than ten rupees, at the time and in the manner prescribed in section 29.

Special warrant authorizing search at night.

Whenever the Collector thinks that the search should be made after sunset and before sunrise on any particular day, he shall issue a warrant specially authorizing the search to be so made. Such warrant may be executed by any Excise-officer as aforesaid in the manner prescribed in section 29 and shall cease to be in force at sunrise on the day next following.

Excise-officer to report arrest, &c.;

**32.** Whenever an Excise-officer arrests any person, or seizes any article liable to confiscation under this Act,

or enters any place for the purposes of searching for any such article,

he shall, within twenty-four hours thereafter, make a full report of all the particulars of such arrest, seizure or search, to his official superior, and, unless acting under the warrant of the Collector, shall take the person arrested, or the article seized, with all convenient despatch to the Magistrate for trial or adjudication.

and to take person arrested to Magistrate.

Procedure after arrest or seizure.

**33.** Whenever any person is arrested or any article is seized under the warrant of a Collector issued under this Act, the officer making such arrest or seizure shall, within twenty-four hours thereafter, take the person arrested or the article seized to the Collector, and the Collector, after such enquiry as he thinks necessary, shall send such person or article to the nearest Magistrate, or shall order the immediate discharge of such person or the release of such article.

Police to aid Excise-officers.

**34.** All Police-officers are required to aid the Excise-officers in the due execution of this Act, upon request made by such officers.

Power to invest Police-officers with powers of Excise-officers.

*[**34A.** The Local Government may, from time to time, invest either by name or in virtue of his office—

(*a*) any Police-officer with the powers conferred on Excise-officers by section 27 of this Act;

(*b*) any Police-officer in charge of a station or any Police-officer of or above the grade of head-constable or sergeant with the powers conferred on Excise-officers by sections 28 and 29 of this Act.

Every officer so invested shall, for all puposes connected with the exercise of these powers, be deemed to be an Excise-officer within the meaning of this Act.

* S. 34A was inserted by Act VI of 1885, s. 3.

## CHAPTER VII.

### PENALTIES.

For illegally manufacturing spirit or liquor;

**35.** Whoever in contravention of section 5 constructs, works or possesses a distillery, still or brewery, or makes fermented liquor, shall be punished with imprisonment for a term which may extend to four months, or with fine which may extend to one thousand rupees, or with both;

and all spirit and liquor made in contravention of section 5, and all materials and implements collected for the purpose of such manufacture, shall be liable to confiscation.

**36.** Any person who—

for illegally introducing country spirit;

(*a*) without a special pass from the Collector, introduces, into the limits fixed for the consumption of spirit made at a distillery established under section 6, any country spirit manufactured at another place, or

for illegally removing spirit or fermented liquor;

(*b*) in contravention of section 7 [a]or section 7A,[a] or of any rule made under section 8 or section 9, removes any spirit from a distillery, [b]or any fermented liquor from a brewery,[b] or

for illegally importing spirit or fermented liquor;

(*c*) in contravention of section 23, brings any spirit [c]or fermented liquor[c] into any territory to which this Act extends,

shall be punished with imprisonment for a term which may extend to four months, or with fine which may extend to one thousand rupees, or with both;

and the spirit [d]or fermented liquor,[d] together with the vessels containing the same, and any animals and conveyances used in carrying it, shall be liable to confiscation.

for contravening rules prescribed by Chief Revenue-authority;

**37.** Any person who, except in cases herein otherwise provided for, wilfully contravenes any rule made under section 8 or section 9 shall be punished with fine not exceeding one hundred rupees.

for illegally cultivating hemp and preparing drugs;

**38.** Any person who, in contravention of section 11 or of any rule made thereunder, cultivates hemp or prepares any intoxicating drug, shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

for illicit sale of spirit, &c.;

**39.** Any person who, in contravention of section 12, sells any spirit, fermented liquor or intoxicating drug, shall be punished with imprisonment for a term which may extend to four months, or with a fine which may extend to one thousand rupees, or with both.

for permit-

**40.** Any person licensed to sell retail spirit, or fermented liquor, or in-

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[a-a] These words, &c., in cl. (*b*) of s. 36 were inserted by Act XIII of 1890, s. 5.
[c-c] These words in s. 36, cl. (*c*), were inserted by Act II of 1882, s. 6.
[d-d] These words in s. 36 were inserted by Act II of 1887, s. 6.

ting drunkenness, &c., in shop;

toxicating drugs, who permits drunkenness, riot or gaming in his shop, or permits persons of notoriously bad character to meet or remain therein, or receives any wearing-apparel or other effects in barter for spirit, fermented liquor or intoxicating drugs, shall be punished with fine which may extend to two hundred rupees.

illegal possession of spirit, liquor or drug;

41. Any person who possesses any spirit, liquor or drug, in contravention of section 21 or section 22, shall be punished with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both:

and the spirit, liquor or drug, together with any vessels, packages and coverings in which it is contained, and any animals and conveyances used in carrying it, shall be liable to confiscation.

for refusal to produce license and for breach of rules and conditions;

42. Any person holding a license under this Act and refusing to produce the same on the demand of any Excise-officer, and any person who breaks any rule made under this Act or any condition of a license granted under this Act, for the breach of which rule or condition no other penalty is hereby provided, shall be punished with fine which may extend to fifty rupees.

for conniving at illicit manufacture or sale of spirit, &c.;

43. Any owner or occupier of land, and any agent of any such owner or occupier, who authorizes or connives at the illegal manufacture of spirit or the sale of spirit or fermented liquor or intoxicating drugs, shall for every such offence be punished with imprisonment for a term which may extend to four months, or with fine which may extend to one thousand rupees, or with both.

And any person invested with local jurisdiction who authorizes or connives at the illegal sale of any spirit, fermented liquor or intoxicating drug within the local limits of such jurisdiction shall be punished with fine which may extend to five hundred rupees.

for Police neglecting to aid Excise-officers;

44. Any Police-officer who, without lawful excuse, neglects or refuses to aid an Excise-officer as required by section 34, and any officer in charge of a police-station who, on application made by an Excise-officer desiring to act under section 29, fails to attend a search himself, or to depute a subordinate officer of the required rank, shall be punished with fine which may extend to five hundred rupees.

for vexatious search or seizure;

45. Any Excise-officer who—

(*a*) without reasonable grounds of suspicion searches or causes to be searched any place, or

(*b*) vexatiously and unnecessarily seizes the moveable property of any person on the pretence of seizing or searching for any article liable to confiscation under this Act, or

(*c*) vexatiously and unnecessarily arrests any person, or

(*d*) commits any other excess not required for the execution of his duty,

shall be punished with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both.

*for delay in reporting arrest, &c., or in taking person arrested to Magistrate.*

**46.** Any Excise-officer who, in contravention of section 32 or section 38, neglects to report the particulars of an arrest, seizure or search, or delays taking to the Magistrate or Collector, as the case may be, any person arrested or any article seized under this Act, shall be punished with fine which may extend to two hundred rupees.

*Prosecutions restricted.*

[a]**47.** A Court shall not take cognizance of an offence punishable under any one of the following sections, namely, 35, 36, 37, 38, 39, 41, 42 and 43, except on the complaint or report of the Collector or an Excise-officer; and a Court shall not take cognizance of any offence punishable under this Act unless the prosecution is instituted before the expiry of six months next after the commission of such offence.

*Confinement in what jail.*

**48.** Every person imprisoned for an offence under section 37 or section 42 shall be confined in the civil jail, and every person imprisoned for an offence under any other section shall be confined in the criminal jail.

*Attempts and abetment.*

**49.** Whoever attempts to commit any offence punishable under this Act or abets, within the meaning of the Indian Penal Code[b], the commission of any such offence shall be punished with the punishment provided for such offence.

XLV of 1860.

*Disposal of fines, &c., as rewards.*

**50.** Any Magistrate before whom any person is convicted of any offence under sections 35, 36, 37, 38, 39, 41 or 43 may award to any person who has contributed in any way to such conviction the whole or any portion of any fine imposed upon the offender and paid by him or realized from his property.

*Magistrate to pass order of confiscation.*

**51.** Any article liable to confiscation under this Act may, on the application of an Excise-officer, be confiscated by the order of any Magistrate within the local limits of whose jurisdiction it is found.

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## CHAPTER VIII.

### MILITARY CANTONMENTS.

*Manufacture and sale of spirits, &c., in military cantonments.*

**52.** Within the limits of any military cantonment, and within such distance from those limits as the Local Government in any case prescribes, no licenses for the manufacture of spirit, or for the sale of spirit or fermented liquor, shall

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[a] This section was substituted for the original s. 47 by Act VI of 1885, s. 4.

[b] See the revised edition of Act XLV of 1860 as modified up to 1st August, 1890, published by the Legislative Department.

be granted, nor shall the fees leviable on licenses for the retail sale of such spirit or liquor, or the right to manufacture such spirit or liquor, be let in farm, unless with the knowledge and consent of the Commanding Officer;

and upon his requisition any such license which has been granted, either by the Collector or by a farmer, within such distance or limits shall be immediately cancelled.

Application of Act to military cantonments.

53. In all other respects the provisions of this Act shall have effect within such limits or distance.[a]

## CHAPTER IX.

### MISCELLANEOUS.

Collector subject to control of Commissioner.

54. The Collector shall in all proceedings under this Act be subject to the control of the Commissioner of Revenue, and all orders passed by a Collector under this Act shall be appealable to such Commissioner in manner provided by the rules for the time being in force relating to appeals from the orders of Collectors.

The Chief Revenue-authority may revise any order passed by a Collector under this Act or by a Commissioner under this section.

Additional power to make rules.

55. The Chief Controlling Revenue-authority[b] may, from time to time, make rules consistent with this Act—

(*a*) as to the period for which any license or farm under this Act shall be granted;

(*b*) as to the fee payable for any such license or farm, and the time or times at which it shall be payable;

(*c*) as to the security to be given by any licensee or farmer under this Act;

(*d*) as to the form of any license or farming lease and of the counterpart thereof (if any) to be taken from such licensee or farmer, and the conditions which may be inserted therein;

(*e*) as to the disposal of things confiscated under this Act;

(*f*) as to the duties of Excise-officers; and

(*g*) to provide generally for carrying out the provisions of this Act.

Power to exempt articles and persons.

56. The Local Government may from time to time, by notification in the official Gazette, exempt within any specified local area any specified articles or any specified class of persons from all or any of the foregoing provisions of this Act, and may, by like notification, cancel any such exemption.

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[a] The proviso to s. 53, which was repealed by Act XIII of 1889, has been omitted.
[b] *Sic. Read* Chief Revenue-authority.

## ACT No. XI OF 1887.[a]

*Received the Governor General's assent on the 25th February, 1887.*

# An Act to provide for the regulation of traffic on the Sindh-Pishin Section of the North-Western Railway.

IX of 1890. WHEREAS it is inexpedient that the Indian Railways Act, 1890,[b] [c]should apply in its entirety to that part of the Sindh-Pishin section of the North-Western Railway which lies beyond the province of Sindh[c]; It is hereby enacted as follows :—

Title, extent and commencement.

1. (*1*) This Act may be called the Sindh-Pishin Railway Act, 1887.

(*2*) It shall extend to all persons for whom the Governor General in Council has power to make laws and regulations at meetings for that purpose; and

(*3*) It shall come into force at once.

Definition.

2. In the following sections of this Act, "railway" means that part of the Sindh-Pishin section of the North-Western Railway which, whether completed at the commencement of this Act or not, lies beyond the province of Sindh.[c]

Application of Railway Act.

IX of 1890.

3. (*1*) Unless and until extended under this section, no portion of the Indian Railways Act, 1890,[b] shall apply to any part of the railway.

(*2*) The Governor General in Council may, by notification[d] in the Gazette of India, extend to the railway or any part thereof such portions of that Act as he thinks fit.

(*3*) In extending any portion of that Act to the railway or any part thereof, the Governor General in Council may extend it subject to such modifications as he thinks fit.

Carriage of passengers and property permissive only.

4. (*1*) No person shall be entitled, as of right, to be carried on the railway or to have property carried thereon.

(*2*) But the carriage of passengers and property on the railway shall be permitted subject to such conditions and restrictions as the Governor General in Council may prescribe.

Exemption of the Government

5. Where any person or property is permitted to be carried on the railway, the Government shall not be responsible for any injury which may happen to

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[a] This Act has been declared in force in British Baluchistan—see Reg. I of 1890, s. 3 (*1*), *infra*, p. 69. It has also been applied to the Agency Territories—see the Baluchistan Agency Laws Law, 1890, s. 4 (*1*), *infra*, p. 137.

[b] See Act IX of 1890, s. 2 (*3*).

[c-c] These words in the preamble have been substituted for the original words by Act IX of 1890, s. 150.

[d] See (as to British Baluchistan) Notification No. 209, dated 2nd May, 1890, *infra*, p. 122, and (as to the Agency Territories) Notification No. 910 E. of same date, *infra*, p. 137.

from liability for injury or loss.

the person, or for any loss or damage which may occur in respect of the property, unless the injury happens, or the loss or damage occurs, on a part of the railway with respect to which the Governor General in Council has, by notification[a] in the Gazette of India, announced that the Government accepts responsibility, to such extent as may be described in the notification, for injury happening, or loss or damage occurring, thereon.

[a] See (as to British Baluchistan) Notification No. 210, dated 2nd May, 1880, *infra*, p. 123, and (as to the Agency Territories) Notification No. 911 E. of the same date, *infra*, p. 194.

## C.—REGULATIONS MADE UNDER 33 VICT., CAP. 3.

# THE PUNJAB FRONTIER CRIMES REGULATION, 1887.

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## REGULATION No. IV OF 1887.[a]

*Received the Governor General's assent on the 14th January, 1887, and published in the Gazette of India, 1887, Pt. I, p. 25.*

## A Regulation for the Suppression of Crime on the Punjab Frontier.

WHEREAS it is expedient to amend the law for the suppression of crime on the Punjab Frontier; It is hereby enacted as follows:—

### CHAPTER I.

#### PRELIMINARY.

Title, commencement, extent and application.

**1.** *Omitted: is not in force either in British Baluchistan or the Agency Territories.*

Repeal.

**2.** *Omitted: is not in force either in British Baluchistan or the Agency Territories.*

Definitions.

**3.** In this Regulation—

(*1*) "Council of Elders" means a Council of three or more persons convened according to the Pathan, Biluch or other usage as the Deputy Commissioner may in each case direct; and

(*2*) "Commissioner" means the Chief Commissioner of British Baluchistan.[b]

Relation of Regulation to other enactments.

**4.** (*1*) The provisions of this Regulation shall take effect in cases to which they apply, notwithstanding anything in any other enactment.

(*2*) The powers conferred by this Regulation may be exercised in addition to any powers conferred by or under any other enactment, and, where the contrary is not expressed or implied, other enactments in force in any place to

[a] Ss. 3—48, both inclusive, and 50—54, both inclusive, of this Regulation have been declared in force in British Baluchistan—see Reg. I of 1890, s. 3 (*1*), *infra*, p. 69. The same sections of the Regulation have also been applied to the Agency Territories—see the Baluchistan Agency Laws Law, 1890, s. 4 (*1*), *infra*, p. 127.

[b] See Reg. I of 1890, s. 4 (*d*), *infra*, p. 70. In the Regulation, as applied to the Agency Territories, the words "Agent to the Governor General in Baluchistan" must be read for the words "Chief Commissioner of British Baluchistan"—see the Baluchistan Agency Laws Law, 1890, s. 5 (*d*), *infra*, p. 128.

which this Regulation or any part thereof extends shall, so far as may be, apply to cases dealt with in that place under this Regulation.

## CHAPTER II.

### POWERS OF COURTS AND OFFICERS.

Additional District Magistrate.

**5.** (*1*) In any district to the whole or any part of which this section extends the Local Government may appoint a Magistrate of the first class to be an Additional District Magistrate.

(*2*) The Additional District Magistrate shall have the powers specified in the part of Schedule III to the Code of Criminal Procedure[a] entitled "*V.—Ordinary Powers of a District Magistrate,*" and may be invested by the Local Government, by notification in the official Gazette, with power to try as a Magistrate all offences not punishable with death, and by the District Magistrate, by order in writing, with all or any of the powers which may be exercised by a Deputy Commissioner under this Regulation. X of 1882.

(*3*) In exercise of the power to try as a Magistrate any offence not punishable with death, the Additional District Magistrate may pass any sentence which a District Magistrate specially empowered under section 30 of the Code of Criminal Procedure may pass under section 34 of that Code.

(*4*) When exercising any of the powers of a Deputy Commissioner under this Regulation, the Additional District Magistrate shall be deemed, for the purposes of the Regulation, to be the Deputy Commissioner.

(*5*) The Local Government or District Magistrate may, by notification in the official Gazette or order in writing, as the case may be, vary or cancel a notification or order under sub-section (*2*).

(*6*) The Additional District Magistrate shall exercise his powers in subordination to the District Magistrate, and in such cases or classes of cases, and within such local limits, as the District Magistrate may by written order direct.

Power of District Magistrate to withdraw or recall cases.

**6.** (*1*) The District Magistrate may withdraw any case from, or recall any case which he has made over to, the Additional District Magistrate, whether the Additional District Magistrate is exercising jurisdiction with respect to the case as a Magistrate or as a Deputy Commissioner.

(*2*) If the case may, under the Code of Criminal Procedure[a], be referred to another Magistrate competent to inquire into or try it, the District Magistrate may, instead of disposing of the case himself, refer it to that other Magistrate for inquiry or trial, as the case may be. X of 1882.

[a] For Act X of 1882, as modified up to the 15th December, 1888, see the revised edition published by the Legislative Department.

X of 1882.

Confirmation and appeal.

7. (*1*) Notwithstanding anything in section 34 of the Code of Criminal Procedure,[a] a sentence passed by a District Magistrate or Additional District Magistrate in exercise of the power to try as a Magistrate any offence not punishable with death shall not be subject to confirmation by the Sessions Judge.

(*2*) Notwithstanding anything in section 408 of the Code of Criminal Procedure[a], an appeal from a sentence of transportation, or from a sentence of imprisonment for a term exceeding four years, shall, when passed by a District Magistrate or Additional District Magistrate in exercise of the power mentioned in sub-section (*1*), lie to the Chief Court and not to the Court of Session.

Power to pass sentence of whipping in certain cases.

XLV of 1860.

8. When a person against whom this section may be enforced is convicted by a Criminal Court of an offence punishable under any of the following sections of the Indian Penal Code[b], namely, 325, 326, 376, 377, 382, 392 to 399 (both inclusive), 427, 428, 429, 435, 436 and 448 to 460 (both inclusive), the Court may pass upon him a sentence of whipping in addition to any other punishment to which he may be sentenced.

X of 1882.

Tender of pardon to accomplice.

9. Section 337 of the Code of Criminal Procedure[a] shall be read as if, after the word "offence" where it first occurs the words "triable exclusively by the Court of Session or High Court," and after the words "termination of the trial" the words "by the Court of Session or High Court, as the case may be," were omitted.

## CHAPTER III.

### COUNCILS OF ELDERS.

Civil references to Councils of Elders.

10. (*1*) When the Deputy Commissioner is satisfied from a police-report or other information that a dispute exists likely to cause a blood-feud, or murder or culpable homicide not amounting to murder, or mischief or a breach of the peace, he may, if he considers that the settlement thereof in the manner provided by this section will tend to prevent or terminate the consequences anticipated, and if a suit is not pending in respect of the dispute, make an order in writing, stating the grounds of his being so satisfied and referring the dispute to a Council of Elders.

(*2*) The reference shall state the matter or matters on which the finding of the Council of Elders is required.

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[a] For Act X of 1882, as modified up to the 15th December, 1888, see the revised edition published by the Legislative Department.

[b] See the revised edition of Act XLV of 1860 as modified up to 1st August, 1890, published by the Legislative Department.

(2) On receipt of a finding of a Council of Elders under this section, the Deputy Commissioner may—

(*a*) remand the case to the Council for a further finding, or

(*b*) refer the case to a second Council, or

(*c*) refer the parties to the Civil Court, or

(*d*) pass a decree in accordance with the finding of the Council on any matter stated in the reference, or

(*e*) declare that further proceedings under this section are not required.

Effect of decree on finding of Council.

**11.** A decree passed under section 10, sub-section (3), clause (*d*), shall not give effect to any finding or part of a finding which, in the opinion of the Deputy Commissioner, is contrary to good conscience or public policy, but shall—

(*a*) be a final settlement of the case so far as the decree relates to any matter stated in the reference, although other matters therein stated may remain undisposed of, and

(*b*) have, to that extent and subject to the provisions of this Regulation with respect to revision, the same effect as a decree of a Civil Court of ultimate resort, and be enforced by the Deputy Commissioner in the same manner as a decree of such a Court may be enforced.

Restriction on jurisdiction of Civil Courts.

**12.** A Civil Court shall not take cognizance of any claim with respect to which the Deputy Commissioner has proceeded under section 10, sub-section (3), clause (*a*), clause (*b*) or clause (*d*).

Criminal references to Councils of Elders.

**13.** (1) If, in the opinion of the Commissioner[a] or Deputy Commissioner, it is inexpedient that the question of the guilt or innocence of any person or persons accused of any offence, or of any of several persons so accused, should be tried by a Court of any of the classes mentioned in section 6 of the Code of Criminal Procedure,[b] the Deputy Commissioner may, or, if the Commissioner[a] so directs, shall refer the question to the decision of a Council of Elders, and require the Council to come to a finding on the question after such inquiry as may be necessary and hearing the accused person. X of 1882.

(2) On receipt of the finding of a Council of Elders under this section, the Deputy Commissioner may—

(*a*) remand the question to the Council for a further finding, or

(*b*) refer the question to a second Council, or

(*c*) acquit the accused person or persons, or any of them, or,

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[a] That is, in British Baluchistan, the Chief Commissioner, and in the Agency Territories the Agent to the Governor General—see s. 3 (3) and note [b] *supra*, p. 53.

[b] For Act X of 1882, as modified up to the 15th December, 1888, see the revised edition published by the Legislative Department.

(*d*) in accordance with the finding of the Council on any matter of fact, convict the accused person or persons, or any of them, of any offence of which the facts found show him or them to be guilty.

Punishment on conviction on finding of Council.

**14.** (*1*) In any case in which the Deputy Commissioner convicts a person under section 13, sub-section (*2*), clause (*d*), he may pass upon him any sentence of fine.

(*2*) In any case in which the Deputy Commissioner so convicts a person of an offence mentioned in the second schedule to this Regulation, he may, whatever may be the punishment prescribed for the offence, sentence the person, in lieu of or in addition to fine, to be whipped, or to be imprisoned for a term not exceeding seven years, or to be whipped and imprisoned for a term not exceeding five years, or to be transported for seven years:

Provided that—

(*a*) a sentence of whipping shall not be passed on a female, or on a male whom the Deputy Commissioner considers to be more than forty-five years of age;

(*b*) a sentence of imprisonment for an offence shall not be for a longer term than that, if any, prescribed for the offence; and

(*c*) a sentence of transportation shall not be passed for an offence which is not punishable with transportation or with imprisonment for a term of seven years or upwards.

Manner of enforcing sentences.

**15.** (*1*) Any sentence passed under the last foregoing section shall be executed in the manner provided for sentences passed by a Court of any of the classes mentioned in section 6 of the Code of Criminal Procedure[a].

X of 1882.

(*2*) Any decision of Elders ordered by the Deputy Commissioner under the Punjab Frontier Regulation Amendment Regulation, IV of 1873[b], to be carried into effect as if it were a sentence of a Court of Law, may direct, in accordance with the provisions of sections 64, 65, 66 and 67 of the Indian Penal Code[c], that the offender shall suffer imprisonment in default of payment of fine.

XLV of 1860.

(*3*) For the purposes of those sections of the Indian Penal Code[c] in reference to a sentence under section 14 of this Regulation or to any such decision as aforesaid—

(*a*) an offence punishable with death or transportation for life shall be deemed to be punishable with rigorous imprisonment for a term which may extend to ten years; and

(*b*) the imprisonment in default of payment of fine may be rigorous or simple at the discretion of the Deputy Commissioner.

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[a] For Act X of 1882, as modified up to the 15th December, 1888, see the revised edition published by the Legislative Department.

[b] Not in force either in British Baluchistan or the Agency Territories.

[c] See the revised edition of Act XLV of 1860, as modified up to 1st August, 1890, published by the Legislative Department.

Time for exercising power of reference to Council of Elders.

**16.** The powers conferred by section 13 on the Commissioner[a] and Deputy Commissioner may be exercised by them in cases committed to the Court of Session at any time before the trial before that Court has commenced, and in cases pending before any Court inferior to the Court of Session at any time before an order of conviction or acquittal has been made.

Motion by Public Prosecutor in view to reference to Council of Elders.

**17.** (*1*) In any trial before a Court of Session the Public Prosecutor may, when instructed in writing in that behalf by the Commissioner[a] or Deputy Commissioner, at any time before an order of conviction or acquittal has been made with respect to any accused person, withdraw from the prosecution of that person in order that the case may be referred to a Council of Elders.

(*2*) The Sessions Judge shall thereupon stay proceedings with respect to that person, and the Deputy Commissioner shall refer the case to a Council of Elders.

(*3*) A person in respect of whom the Sessions Judge has stayed proceedings under this section shall not be liable to be tried again before a Court of any of the classes mentioned in section 6 of the Code of Criminal Procedure,[b] X of 1882. either for the same offence or on the same facts for any other offence.

Case of persons jointly accused of an offence.

**18.** The powers conferred by section 13 as limited by section 16 may be exercised against, and the withdrawal of a prosecution under section 17 may have reference to, one or some only of two or more persons jointly accused of an offence.

Recommendations of Councils of Elders.

**19.** (*1*) When a Council of Elders to which a reference has been made under this Regulation makes any recommendation to which effect might be given if it were a finding on a matter or question referred to the Council under this Regulation, the Deputy Commissioner may deal with the recommendation or any part of it as if the recommendation or the part thereof were a finding under section 10 or section 13.

(*2*) When the Deputy Commissioner deals with a recommendation under sub-section (*1*), he may pass any such decree as is authorized by section 10, or any such sentence as is authorized by section 14, sub-section (*1*), and the decree or sentence shall have the same effect and be enforced in the same manner as if it were a decree or sentence passed under section 10 or section 14, sub-section (*1*), as the case may be.

Record of Deputy Commissioner.

**20.** (*1*) When the Deputy Commissioner passes under this Chapter a sentence of fine exceeding two hundred rupees, or of imprisonment for a term exceeding three months, or of transportation, he shall make a record of the

[a] That is, in British Baluchistan, the Chief Commissioner, and in the Agency Territories, the Agent to the Governor General—see s. 3 (*2*) and note [b] *supra*, p. 53.

[b] For Act X of 1882, as modified up to the 15th December, 1888, see the revised edition published by the Legislative Department.

facts of the case, of the offence committed and of his reasons for passing the sentence.

(*2*) The record shall be made by the Deputy Commissioner in English, and in his own hand, unless he is prevented by any sufficient reason from so making it, in which case he shall record the reason of his inability, and shall cause the record to be made from his dictation in open Court.

Revision of decrees and sentences.

**21.** (*1*) An appeal shall not lie from a decree or sentence passed under this Chapter.

(*2*) The Commissioner[a] may call for the record of any proceeding under this Chapter and revise a decree on the ground that it is contrary to good conscience or public policy, or a sentence on the ground that it is illegal or excessive.

(*3*) When the Commissioner[a] finds it necessary to revise a decree or sentence in any case under sub-section (*2*), he may pass any order in the case which the Deputy Commissioner might have passed.

(*4*) The provisions of this Chapter with respect to the effect of, and the mode of enforcing, a decree or sentence of the Deputy Commissioner shall apply to a decree or sentence as revised by the Commissioner.[a]

Attendance of parties and witnesses before Council of Elders.

**22.** Whenever a reference is made to a Council of Elders under this Chapter, the Deputy Commissioner may order that the parties and their witnesses shall appear before the Council of Elders in person at a place and time specified in the order.

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## CHAPTER IV.

### PENALTIES.

Blockade of hostile or unfriendly

**23.** In the event of any frontier tribe acting in a hostile or unfriendly manner to the British Government, the Deputy Commissioner may, with the sanction of the Commissioner,[a] detain all or any members of the tribe, detain or confiscate their property, debar members of the tribe from access into British territory, and prohibit British subjects from all intercourse with the tribe.

Fines on communities accessory to crime.

**24.** The Deputy Commissioner may, with the sanction of the Commissioner,[a] impose fines on any village-community or part of a village-community the members of which, after due inquiry, are found to be guilty of colluding with or harbouring or failing to take all reasonable means to prevent the escape of criminals, or combining to suppress evidence in criminal cases.

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[a] That is, in British Baluchistan, the Chief Commissioner, and in the Agency Territories the Agent to the Governor General—see s. 3 (*3*) and note [b] *supra*, p. 53.

Fines on communities where murder or culpable homicide is committed or attempted.

**25.** When, within the area occupied by any village-community or part of a village-community, a person is dangerously or fatally wounded by unlawful attack, or the body is found of a person believed to have been unlawfully killed, the members of that community or part shall be deemed to have committed an offence under the last foregoing section unless the headmen of the community or part can show that the members thereof—

(*a*) had not an opportunity of preventing the offence or arresting the offender, or

(*b*) have used all reasonable means to bring the offender to justice.

Recovery of fines.

**26.** Fines imposed under section 24 shall, in default of payment, be recoverable as if they were arrears of land-revenue due by the members of the community or part.

Forfeiture of remissions and grants of revenue by communities accessory to crime.

**27.** When a village-community or part of a village-community has become liable to fine under section 24, it shall further be liable to forfeit in whole or in part and for a term or in perpetuity any remission of land-revenue of which it may be in joint enjoyment, and the members of the community or part, as the case may be, shall in like manner be liable severally to forfeit any assignment or remission of land-revenue or allowance paid out of public funds which they or any of them may enjoy.

Forfeiture of public emoluments by individuals accessory to crime.

**28.** When, in the opinion of the Deputy Commissioner, a person in the enjoyment of an assignment or remission of land-revenue, or of an allowance paid out of public funds, colludes with or harbours any criminal or suppresses evidence in a criminal case, or fails in any criminal investigation to render loyal assistance to the authorities, that person shall be liable, in addition to any other penalty which he may have incurred, to forfeit his emoluments in whole or in part and for a term or in perpetuity.

Power to direct forfeiture.

**29.** (*1*) Forfeiture under section 27 or section 28 may be adjudged by order of the Deputy Commissioner for a term not exceeding three years, and by order of the Commissioner[a] for any longer term or in perpetuity.

(*2*) An order of the Deputy Commissioner passed under this section shall be subject to revision by the Commissioner.[a]

Powers of Local Government.

**30.** Nothing in sections 27, 28 and 29 shall affect the powers of the Local Government with respect to the grant, continuance or forfeiture in whole or in part of any assignment or remission of land-revenue or of any allowance paid out of public funds.

Preparation to commit

**31.** If a person is found carrying arms in such manner or in such circumstances as to afford just grounds of suspicion that the arms are being carried

[a] That is, in British Baluchistan, the Chief Commissioner, and in the Agency Territories the Agent to the Governor General—see s. 3 (*2*) and note [b] *supra*, p. 53.

by him with intent to use them for an unlawful purpose, and that person has taken precautions to elude observation or evade arrest, or is found after sunset and before sunrise within the limits of any military camp or cantonment, he shall be punished with imprisonment of either description for a term which may extend to five years, or with fine, or with both. certain offences.

32. (*1*) A married woman who knowingly and by her own consent has sexual intercourse with any man who is not her husband is guilty of the offence of adultery, and shall be punished with imprisonment of either description for a term which may extend to five years, or with fine, or with both. Adultery.

(*2*) Cognizance shall not be taken of an offence under this section unless a complaint has been made by the husband of the woman, or, in his absence, by a person who had care of the woman on his behalf at the time when the offence was committed.

## CHAPTER V.

### PREVENTIVE AND OTHER AUTHORITY AND JURISDICTION.

*General.*

33. (*1*) A new hamlet, village, tower or walled enclosure shall not be erected within five miles of the British frontier without the consent of the Commissioner,[a] who may prohibit the erection thereof if he thinks fit. Power to prohibit new villages or towers.

(*2*) If the Commissioner[a] prohibits the erection, he shall record his reasons for doing so.

34. Whenever it may be expedient on military grounds, the Local Government may, by order in writing, direct the removal of any village on the immediate border to any other site within five miles of the original site, and award to the inhabitants such compensation for any loss which may have been occasioned to them by the removal of their village as in the opinion of the Local Government is just. Power to direct removal of villages.

35. When any person is known or believed to have a blood-feud, or has occasioned cause of quarrel likely to lead to bloodshed, the Deputy Commissioner may require that person to reside beyond the limits of the territory to which this Regulation or any part thereof extends, or at such place within that territory as the Deputy Commissioner may deem desirable: Power to require persons to remove.

Provided that, if the person has a fixed habitation in the place which the Deputy Commissioner considers it necessary for him to leave, a requisition

[a] That is, in British Baluchistan, the Chief Commissioner, and in the Agency Territories the Agent to the Governor General—see s. 3 (*2*) and note [b] *supra*, p. 52.

under this section shall not be made without the previous sanction of the Commissioner.[a]

Penalty for breach of certain orders.

**36.** If a person contravenes the provisions of section 33, or disobeys an order under section 34 or a requisition under section 35, he shall be punished with imprisonment of either description for a term which may extend to six months, and shall also be liable to fine which may extend to one thousand rupees.

Powers of arrest in frontier districts.

**37.** In any place to which this section extends—

(*1*) any private person may, without an order from a Magistrate and without a warrant, arrest or cause to be arrested, and make over or cause to be made over to a police-officer, or take or cause to be taken to the nearest police-station, any person who has been concerned in any cognizable offence, or against whom a reasonable complaint has been made, or credible information has been received, or a reasonable suspicion exists, of his having been so concerned; and

(*2*) section 46 of the Code of Criminal Procedure[b] shall be read as if the following paragraph were added thereto, namely:— X of 1882.

"But this section gives a right to cause the death of a person against whom those portions of the Punjab Frontier Crimes Regulation, 1887, which are not of general application may be enforced— IV of 1887.

(*a*) if he is committing or attempting to commit an offence, or resisting or evading arrest, in such circumstances as to afford reasonable ground for believing that he intends to use arms to effect his purpose; or

(*b*) if a hue-and-cry has been raised against him of his having been concerned in any such offence as is specified in the last foregoing paragraph of this section, or of his committing or attempting to commit an offence, or resisting or evading arrest, in such circumstances as are referred to in clause (*a*) of this paragraph."

Arrest without warrant in cases under section 498 of Indian Penal Code.

**38.** (*1*) When there is reason to believe that a person has committed or attempted to commit an offence punishable under section 498 of the Indian Penal Code[c], an officer in charge of a police-station may, without an order from a Magistrate and without a warrant, arrest that person on the requisition of the husband of the woman, or, in his absence, of a person having the XLV of 1860.

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[a] That is, in British Baluchistan, the Chief Commissioner, and in the Agency Territories the Agent to the Governor General—see s. 3 (*2*) and note[b] *supra*, p. 53.

[b] For Act X of 1882, as modified up to the 15th December, 1888, see the revised edition published by the Legislative Department.

[c] See the revised edition of Act XLV of 1860, as modified up to 1st August, 1890, published by the Legislative Department.

care of her on his behalf, or, in the absence of both the husband and any such person as last aforesaid from the village in which the woman resides, on the requisition of a headman of the village.

(*2*) A police-officer making an arrest under sub-section (*1*) shall, without unnecessary delay, take or send the person arrested to the nearest Magistrate having jurisdiction.

(*3*) The Magistrate may, in default of bail being furnished to his satisfaction, detain the person arrested for such period not exceeding fifteen days as may be necessary to enable the husband, or, in his absence a person who had care of the woman on his behalf, to make a complaint.

*Security for Good Behaviour.*

Security for the prevention of murder or culpable homicide.

39. (*1*) When the Deputy Commissioner or the Commissioner[a] is of opinion that it is necessary, for the purpose of preventing murder, or culpable homicide not amounting to murder, to require a person to execute a bond for good behaviour, he may, on the conditions and in the circumstances mentioned in this section, order the person to execute a bond, with or without sureties, for his good behaviour during such period not exceeding three years as the Deputy Commissioner or the Commissioner,[a] as the case may be, may fix—

(*2*) The Deputy Commissioner may make an order under sub-section (*1*)—

(*a*) on the recommendation of a Council of Elders, or

(*b*) after inquiry as hereinafter provided.

(*3*) When a person has been convicted in accordance with the finding of a Council of Elders of an offence mentioned in section 106 of the Code of Criminal Procedure[b] or punishable under section 302, 304, 307 or 308 of the Indian Penal Code,[c] the Deputy Commissioner at the time of passing sentence, or the Commissioner[a] at the time of revising the sentence, may make an order under sub-section (*1*) with respect to that person.

X of 1882.

XLV of 1860.

(*4*) When the Deputy Commissioner makes an order under sub-section (*1*) on the recommendation of a Council of Elders, he shall record his reasons for acting on the recommendation.

Security from families when a blood-feud exists

40. When a blood-feud or other cause of quarrel likely to lead to blood-shed exists, or in the opinion of the Deputy Commissioner is likely to arise, between two families, the Deputy Commissioner may, on the recommendation of a Council of Elders, or after inquiry as hereinafter provided, order

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[a] That is, in British Baluchistan, the Chief Commissioner, and in the Agency Territories the Agent to the Governor General—see s. 3 (*2*) and note[b] *supra*, p. 53.

[b] For Act X of 1882, as modified up to the 15th December, 1888, see the revised edition published by the Legislative Department.

[c] See the revised edition of Act XLV of 1860, as modified up to 1st August, 1890, published by the Legislative Department.

or is probable.

all or any members of both families or of either family to execute a bond, with or without sureties, for their good behaviour during such period not exceeding three years as he may fix.

Procedure in inquiry.

41. (*1*) An inquiry for the purposes of section 39 or section 40 may be conducted so far as may be necessary out of Court.

(*2*) But a person from whom it is proposed to require a bond under section 39, or the principal members of a family from which it is proposed to require a bond under section 40, shall have an opportunity of showing cause in Court why a bond should not be required, and of having his or their witnesses examined there, and of cross-examining any witness not called by himself for themselves who may testify there to the necessity for the execution of a bond.

(*3*) Sections 112, 113, 115 and 117 of the Code of Criminal Procedure[a] shall not apply to an inquiry under this section, but the Deputy Commissioner shall record his order with the reasons for making it. X of 1882.

Breach of bond.

42. (*1*) The commission or attempted commission, or the abetment, by a person who has given security for good behaviour under section 39, of any offence punishable under Chapter XVI of the Indian Penal Code[b] with imprisonment for a term of one year or upwards, shall be a breach of the bond. XLV of 1860.

(*2*) If, while a bond executed under section 40 is in force, the life of any member of either family is unlawfully taken or attempted, the Deputy Commissioner may declare the bond or all or any members of the other family, and their sureties (if any), to be forfeited, unless it is shown to his satisfaction that the homicide or attempt was not committed by, or in consequence of the abetment of, any member of that family.

Imprisonment in default of security.

43. (*1*) If a person ordered to give security for good behaviour under section 39 or section 40 does not give security on or before the date on which the period for which the security is to be given commences, he shall be committed to prison, or, if he is already in prison, be detained in prison, until that period expires, or until within that period he gives the security to the officer who made the order requiring it or to the officer in charge of the jail in which the person so ordered is detained.

(*2*) Imprisonment for failure to give security under this Chapter may be rigorous or simple as the officer requiring the security directs in each case.

Length of imprisonment.

44. When a person has suffered imprisonment for three years for failure to give security for good behaviour under section 39 or section 40, he shall be

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[a] For Act X of 1882, as modified up to the 15th December, 1888, see the revised edition published by the Legislative Department.

[b] See the revised edition of Act XLV of 1860, as modified up to 1st August, 1890, published by the Legislative Department.

released and shall not be again required to give security unless a fresh order is passed in accordance with the provisions of this Chapter or of the Code of Criminal Procedure.[a]

X of 1882.

Further security.

**45.** (*1*) A person who has under the provisions of this Chapter given security, or been imprisoned for failure to give security, may be brought before the Deputy Commissioner if, on the expiry of the period for which security was required to be given, the Deputy Commissioner so directs.

(*2*) When the Deputy Commissioner thinks it necessary for the purpose of preventing bloodshed to require security for a further period from any person so brought before him, he shall record a proceeding to that effect.

(*3*) The proceeding may be founded on the facts on which the original order to give security was founded, and it shall not be necessary to prove any fresh facts to justify an order to give security for a further period under this section, but such an order if passed shall have the same effect and be enforced in the same manner as an original order to give security under section 39 or section 40.

(*4*) Notwithstanding anything in this section, a person shall not suffer for failure to give security under this Chapter continuous imprisonment for more than six years or, without the sanction of the Commissioner,[b] for more than three years.

Relation of certain sections of this Chapter to the ordinary law.

X of 1882.

**46.** Sections 39 to 45 (both inclusive) shall be read with and construed as part of Chapter VIII of the Code of Criminal Procedure,[a] which shall, except when the contrary is expressed or implied, be applicable, so far as may be, to cases of requiring or giving security under this Chapter.

## CHAPTER VI.

### SUPPLEMENTAL PROVISIONS.

Power of Deputy Commissioner to order disposal of certain fines.

**47.** (*1*) The Deputy Commissioner may give such order as he thinks fit for the disposal of the proceeds of any fine imposed under section 14, section 19 or section 24, and, subject to any order which may be passed by the Commissioner[b] under section 21 or section 24, the proceeds shall be disposed of accordingly.

(*2*) When in pursuance of an order passed under this section a person has received compensation for an injury out of the proceeds of a fine, a Civil Court shall not take cognizance of a claim to compensation based on the same injury.

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[a] For Act X of 1882, as modified up to the 15th December, 1888, see the revised edition published by the Legislative Department.

[b] That is, in British Baluchistan, the Chief Commissioner, and in the Agency Territories the Agent to the Governor General—see s. 3 (*2*) and note [a] *supra*, p. 53.

Maintenance of registers.

**48.** Registers shall be kept up, in forms to be approved by the Local Government, of all cases dealt with by the Deputy Commissioner and by the Commissioner[a] under this Regulation.

Continuance of the Police Act, V of 1861, as applied to certain districts.

**49.** *Omitted: is not in force either in British Baluchistan or the Agency Territories.*

Jurisdiction of ordinary Courts in cases under sections 31 and 32.

**50.** An offence punishable under section 31 or section 32 may be tried by a Court of Session or by the Court of a Magistrate of the first class.

Finality of proceedings under Regulation.

**51.** Except as provided in this Regulation, a decision passed, act done or order made under this Regulation shall not be called in question in any Civil or Criminal Court.

Application of provisions of Indian Penal Code respecting fines and imprisonment.

**52.** The provisions of section 60, and of sections 63 to 74 (both inclusive), of the Indian Penal Code[a] shall, subject to the provisions of section 15 of this Regulation, apply to sentences passed under this Regulation. XLV of 1860.

Power to make rules.

**53.** The Local Government may make rules consistent with this Regulation for carrying into effect the purposes thereof.

Powers exercisable from time to time.

**54.** All powers conferred by this Regulation may be exercised from time to time as occasion requires.

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## SCHEDULE I.

REGULATIONS REPEALED.

[*Omitted: is not in force either in British Baluchistan or the Agency Territories.*]

## SCHEDULE II.

OFFENCES REFERRED TO IN SECTION 14, SUB-SECTION (*2*).

1. Any offence punishable under any of the following sections of the Indian Penal Code,[a] namely, sections 148, 193, 194, 195, 196, 201, 211, 212, 302, 304, 307, 308, 325, 326, 328 and 354; sections 363 to 369, both inclusive; sections 376 and 377; sections 379 to 382, both inclusive; sections 392 to 399, both inclusive; sections 411 to 414, both inclusive; sections 427 to 429, both inclusive; sections 435 and 436; sections 448 to 460, both inclusive; sections 497 and 498. XLV of 1860.

[a] See the revised edition of Act XLV of 1860, as modified up to 1st August, 1890, published by the Legislative Department.

2. Any offence punishable under section 31 or section 32 of this Regulation.

3. Abetment of any of the foregoing offences.

4. Attempt to commit any of those offences which are not themselves expressed to be attempts to commit offences.

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## REGULATION No. IX OF 1887.[a]

*Received the Governor General's assent on the 18th August, 1887, and published in the Gazette of India, 1887, Pt. I, p. 427.*

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## The British Baluchistan Frontier Crossing and Disturbed Districts Regulation.

WHEREAS it is expedient that the Local Government and certain of its officers should have authority to prevent persons from passing out of certain parts of British Baluchistan[b] into foreign territory[c] and from entering, or residing or travelling in, disturbed parts of British Baluchistan; It is hereby enacted as follows:—

Title, extent and commencement.

1. (*1*) This Regulation may be called the British Baluchistan[b] Frontier Crossing and Disturbed Districts Regulation, 1887.

(*2*) It extends to the whole of British Baluchistan[b, c]; and

(*3*) It shall come into force on such day as the Local Government may appoint in this behalf.

Warning against entering foreign territory or disturbed districts.

2. (*1*) [d] A person warned in manner hereinafter provided shall not—

(*a*) pass across the frontier of British Baluchistan[b] into any foreign territory[c]; or,

(*b*) while a notification under this clause is in force, pass from any part of the territories to which this Regulation extends into any other part of those territories to which the Local Government has, by notification in the official Gazette, declared this clause to apply; or,

(*c*) while a notification under this clause is in force, reside or travel in any part of those territories to which the Local Government has, by such a notification as aforesaid, applied this clause.

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[a] This Regulation has been declared in force in British Baluchistan—see Reg. I of 1890, s. 3 (*1*), *infra*, p. 69. It has also been applied to the Agency Territories—see the Baluchistan Agency Laws Law, 1890, s. 4 (*1*), *infra*, p. 137.

[b] See Reg. I of 1890, s. 4 (*5*), *infra*, p. 71. In the Regulation, as applied to the Agency Territories, the words "the territories for the time being administered by the Agent to the Governor General in Baluchistan as such Agent" must be read for the words "British Baluchistan".

[c] A reference to the Shan States has been omitted—see Reg. I of 1890, s. 4 (*5*), *infra*, p. 71, and the Baluchistan Agency Laws Law, 1890, s. 5 (*5*), *infra*, p. 138.

[d] Sub-s. (*2*) of s. 2 has been omitted, the alteration of the reference in cl. (*a*) of sub-s. (*1*) of the section having made its provisions meaningless.

Service or publication of warning.

**3.** Every warning for the purpose of this Regulation shall be in writing, and shall,—

(*a*) if addressed to an individual, be signed by the Chief Commissioner of British Baluchistan[a] or Magistrate of the district within which the individual dwells or may be found, and be served upon him in such manner as the Local Government may by general or special order prescribe;

(*b*) if addressed to a class of persons or to the public generally, be published with the previous sanction of the Governor General in Council in the local official Gazette and otherwise in such manner as the Local Government may by general or special order direct.

Consequence of disobedience to warning.

**4.** (*1*) If any person to whom a warning served or published under the last foregoing section is addressed disobeys or attempts to disobey the warning,—

(*a*) he shall be punished with fine which may extend to five hundred rupees; and

(*b*) the Local Government may order him to remove to such place within the territories to which this Regulation extends as it may direct in this behalf.

(*2*) If any person contravenes any order under sub-section (*1*), clause (*b*), the Chief Commissioner of British Baluchistan[a] or Magistrate of the district within which the person is dwelling or may be found may cause him to be arrested and detained in custody until he accepts his release upon such conditions as the Local Government thinks fit to impose.

Power to Commissioner or Magistrate to require security for good behaviour in certain cases.

**5.** (*1*) If the Chief Commissioner of British Baluchistan[a] or Magistrate of the district within which any person, whether a European British subject or not, is dwelling or may be found, reasonably suspects that the person intends to disobey a warning served on him or published in accordance with section 3, the Chief Commissioner[a] or Magistrate may require such security for his good behaviour for a period not exceeding six months as the Chief Commissioner[a] or Magistrate may deem sufficient.

(*2*) The provisions of the Code of Criminal Procedure, 1882[b], sections 112 to 126 (both inclusive), and section 514, shall, so far as they can be made applicable, apply to all cases under this section. X of 1882.

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[a] See Reg. I of 1890, s. 4 (*b*), *infra*, p. 71. In the Regulation, as applied to the Agency Territories, the words "Agent to the Governor General in Baluchistan" must be read for the words "Chief Commissioner".

[b] For Act X of 1882, as modified up to 15th December, 1888, see the revised edition published by the Legislative Department.

# THE BRITISH BALUCHISTAN LAWS REGULATION, 1890.

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1. Title and commencement.
2. Division of British Baluchistan into districts and tahsils.
3. Law in force in British Baluchistan.
4. Modification of certain enactments in force in British Baluchistan.
5. Power for Courts to construe enactments with necessary alterations.
6. Validation of acts done after 1st November, 1878.
7. Validation of rules made before commencement of this Regulation.

THE SCHEDULE.—ENACTMENTS TO BE DEEMED IN FORCE IN BRITISH BALUCHISTAN.

## REGULATION No. I OF 1890.

*Received the Governor General's assent on the 23rd January, 1890, and published in the Gazette of India, 1890, Pt. I, p. 41.*

## A Regulation to declare the law in force in British Baluchistan.

WHEREAS it is expedient to declare the law in force in British Baluchistan; It is hereby enacted as follows:—

Title and commencement.

1. (*1*) This Regulation may be called the British Baluchistan Laws Regulation, 1890; and

(*2*) It shall come into force on such day[a], within three months from the time at which it may receive the Governor General's assent, as the Local Government may, by notification in the Gazette of India, appoint in this behalf.

Division of British Baluchistan into districts and tahsils.

2. The Local Government, with the previous sanction of the Governor General in Council, may, for administrative purposes, divide[b] British Baluchistan into districts, and each of those districts into tahsils, and vary the limits of those districts and tahsils.

Law in force

3. (*1*) So much of each of the enactments specified in the schedule as is at

[a] The 19th April, 1890—see Gazette of India, 1890, Pt. II, p. 162.
[b] For divisions notified under this section, see Appendix, *infra*, p. 124.

in British Baluchistan.

the commencement of this Regulation in force in the territories to which the enactment generally applies shall, in the form in which, as amended by subsequent enactments, if any, it is so in force, be deemed to be in force in British Baluchistan.

(*2*) An enactment not comprised in the schedule shall not be deemed to be, or to have been, in force in British Baluchistan or in any part of British Baluchistan unless it is expressed, by special mention of British Baluchistan, or a part of British Baluchistan, to extend thereto,[a] or after the commencement of this Regulation is extended thereto in exercise of the powers conferred by section 5 of the Scheduled Districts Act, 1874,[b] or by any other enactment for the time being in force. XIV of 1874.

(*3*) The Local Government, with the previous sanction of the Governor General in Council, may, by notification in the Gazette of India, declare that any enactment which is comprised in the schedule, or which may after the commencement of this Regulation be extended in exercise of any such powers as aforesaid, shall no longer be in force in British Baluchistan or in any part of British Baluchistan specified in the notification.

Modification of certain enactments in force in British Baluchistan.

4. The following enactments specified in the schedule shall in British Baluchistan be read subject to the following modifications, namely:—

(*1*) Act XXIII of 1867[c] (*an Act for the suppression of murderous outrages in certain districts of the Punjab*) shall be read as if references to the Punjab and the Lieutenant-Governor of the Punjab were references to British Baluchistan and the Chief Commissioner of British Baluchistan, respectively; I of 1873.

(*2*) the Indian Evidence Act, 1872,[d] shall be read as if after the words "police-officer" in section 25 the words "who is not a Magistrate" were inserted; I of 1879.

(*3*) the provisions of the Indian Stamp Act, 1879,[e] with respect to the consequences of instruments not being duly stamped shall be read as not applying to any instrument which may have been executed in British Baluchistan before the commencement of this Regulation; IV of 1887.

(*4*) the Punjab Frontier Crimes Regulation, 1887,[f] shall be read as if references to the Commissioner were references to the Chief Commissioner of British Baluchistan;

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[a] For such enactments, see Acts I, VI, VIII and IX of 1880, and Reg. V of 1890 in Chronological Table, *supra*, pp. 13 and 14.

[b] Printed, General Acts, 1867—76, Ed. 1887, p. 478.

[c] Printed *supra*, p. 13.

[d] Printed, General Acts, 1867—76, Ed. 1887, p. 249.

[e] Printed, General Acts, 1877—81, p. 266.

[f] Printed *supra*, p. 53.

IX of 1887. (5) the Upper Burma Frontier Crossing and Disturbed Districts Regulation, 1887,[a] shall be read as if the expressions "or Shan States", "except the Shan States" and "or Shan State" were omitted therefrom, and the references therein to Upper Burma and the districts mentioned in section 2, sub-section (2), and to the Commissioner, shall be read as references to British Baluchistan and to the Chief Commissioner of British Baluchistan, respectively.

XIII of 1880. [b](6) The Cantonments Act, 1889, shall be read as if after the words "territories administered by such Government", each time they occur in section 17, the words "or in any other part of British India" were added.[b]

Power for Courts to construe enactments with necessary alterations.

5. For the purpose of facilitating the application of any enactment for the time being in force in British Baluchistan, a Court may construe the enactment with such alterations not affecting the substance as may be necessary or proper to adapt it to the matter before the Court.

Validation of acts done after 1st November, 1878.

6. All acts of executive authority, proceedings, decrees and sentences which have been done, taken or passed in British Baluchistan since the first day of November, 1878, and before the commencement of this Regulation, by any officer of the Government or by any person acting under his authority or otherwise in pursuance of an order of the Government, or which have been or shall be ratified by the Governor General in Council, shall be as valid and operative as if they had been done, taken or passed in accordance with law; and no suit or other proceeding shall be maintained or continued against any person whatever on the ground that any such acts, proceedings, decrees or sentences were not done, taken or passed in accordance with law.

Validation of rules made before commencement of this Regulation.

7. All rules, orders or instructions made or issued after the first day of November, 1878, and before the commencement of this Regulation, for the guidance of officers engaged in the administration of British Baluchistan,[c] shall be deemed to have had the force of law, and shall, so far as they are consistent with this Regulation, have the force of law until they are withdrawn by the Governor General in Council or are superseded by any Act of the Governor General in Council, or by any Regulation under the Statute 33 Victoria, Chapter 3,[d] or by any enactment extended to British Baluchistan, or by any rules, orders or instructions made or issued under any such Act, Regulation or enactment.

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[a] Printed *supra*, p. 67.

[b-b] Cl. (6) has been added by Reg. V of 1890, s. 45, *infra*, p. 115.

[c] Certain words referring to the Baluchistan Forest Law, 1886, have been omitted—see Reg. V of 1890, s. 47, *infra*, p. 115.

[d] Printed in the Collection of Statutes relating to India, Ed. 1891, Vol. II, p. 878.

## THE SCHEDULE.[a]

(*See section 3.*)

ENACTMENTS TO BE DEEMED IN FORCE IN BRITISH BALUCHISTAN.

| Number and year. | Subject. |
|---|---|
| **BENGAL REGULATIONS.** | |
| XI of 1812 | Removal of Foreign Emigrants. |
| III of 1818 | State Prisoners. |
| **ACTS OF THE GOVERNOR GENERAL IN COUNCIL.** | |
| V of 1843 | Slavery. |
| XVIII of 1850 | Protection of Judicial Officers. |
| XXXIV of 1850 | State Prisoners. |
| XXIV of 1855 | Penal Servitude. |
| XI of 1857 | State Offences. |
| III of 1858 (s. 5) | State Prisoners. |
| XXXV of 1858 | Lunatics. |
| XXXVI of 1858 | Lunatic Asylums. |
| IX of 1859 (except the last paragraph of s. 18) | Forfeited Property. |
| IX of 1860 | Disputes between Workmen and Employers. |
| XLV of 1860 | Penal Code. |
| V of 1861 | Police. |
| III of 1864 | Foreigners. |
| VI of 1864 | Whipping. |
| X of 1865 | Succession. |
| XIV of 1866 | Post Office. |
| III of 1867 | Gambling. |
| XXIII of 1867 (the preamble and sections 2 to 15, both inclusive). | Murderous Outrages. |
| I of 1868 | General Clauses. |
| IV of 1869 | Divorce. |
| V of 1869 | Indian Articles of War. |
| XV of 1869 | Prisoners' Testimony. |
| XX of 1869 | Volunteers. |
| VII of 1870 | Court-fees. |
| X of 1870 | Land-acquisition. |
| XXIII of 1870 | Coinage. |
| XXVI of 1870 | Prisons. |
| I of 1871 | Cattle-trespass. |
| V of 1871 | Prisoners. |
| XXIII of 1871 | Pensions. |
| I of 1872 | Evidence. |
| III of 1872 | Marriage. |
| IX of 1872 | Contract. |
| XV of 1872 | Christian Marriage. |
| X of 1873 | Oaths. |
| XIV of 1873 | Lunatic Soldiers. |
| II of 1874 | Administrator General. |
| IV of 1874 | Foreign Recruiting. |
| IX of 1874 | European Vagrancy. |

[a] See Chronological Table, *supra*, pp. IX to XIV.

## SCHEDULE—*continued.*

| Number and year. | Subject. |
|---|---|
| **ACTS OF THE GOVERNOR GENERAL IN COUNCIL—*continued.*** | |
| XIV of 1874 | Scheduled Districts. |
| V of 1875 | Native Soldiers. |
| I of 1877 (s. 9) | Specific Relief. |
| III of 1877 | Registration. |
| XI of 1877 | Military Lunatics. |
| XV of 1877 | Limitation. |
| I of 1878 | Opium. |
| I of 1879 | Stamps. |
| XXI of 1879 | Extradition. |
| V of 1881 | Probate and Administration. |
| XXII of 1881 | Excise. |
| X of 1882 (subject to the modifications set forth in the schedule to the British Baluchistan Criminal Justice Regulation, 1890). | Code of Criminal Procedure, 1882. |
| XII of 1882 | Salt. |
| XIV of 1882— | Code of Civil Procedure. |
| The following portions, namely:— | |
| (1) Sections 15—24, both inclusive (Place of Suing); | |
| (2) Sections 223—229B, both inclusive (Court by which Decrees may be executed); | |
| (3) Section 266 (Attachment of Property); | |
| (4) Sections 320—326, both inclusive (Restrictions on sale of Land); | |
| (5) Sections 344—360, both inclusive (Insolvent Judgment-debtors); | |
| (6) Sections 383—400, both inclusive (Commissions); | |
| (7) Sections 401—415, both inclusive, and 592 and 593 (Pauper Suits and Appeals); | |
| (8) Sections 416—429, both inclusive (Suits by or against Government or Public Officers); | |
| (9) Sections 465—468, both inclusive (Suits by and against Military Men); | |
| (10) Sections 477—485, both inclusive, and 486, 490 and 491 (Arrest and Attachment before Judgment); | |
| (11) Sections 527—530, both inclusive, and the second paragraph of section 531 (Proceedings on Agreement of Parties); and | |
| (12) Such portions as are referred to in, and affected by, the Debtors Act, 1888, and can be made applicable to proceedings under the British Baluchistan Civil Justice Regulation, 1890. | |
| III of 1890. | |
| XX of 1882 | Paper Currency. |
| XIII of 1885 | Telegraphs. |
| VI of 1886 | Births, Deaths and Marriages Registration. |
| I of 1887 | General Clauses. |
| VII of 1887 | Suits Valuation. |
| IX of 1887 | Provincial Small Cause Courts. |
| XI of 1887 | Sindh-Pishin Railway. |

SCHEDULE—*concluded.*

| Number and year. | Subject. |
|---|---|
| **Acts of the Governor General in Council—*concluded.*** | |
| III of 1888 | Police. |
| IV of 1888 | Indian Reserve Forces. |
| V of 1888 | Inventions and Designs. |
| VI of 1888 (ss. 2 to 8, both inclusive) | Debtors. |
| VII of 1889 | Succession Certificates. |
| XIII of 1889 | Cantonments. |
| XV of 1889 | Official Secrets. |
| **Regulations under 33 Vict., c. 3.** | |
| IV of 1887 (ss. 3 to 48, both inclusive, and 50 to 54, both inclusive). | Punjab Frontier Crimes. |
| IX of 1887 | Upper Burma Frontier Crossing and Disturbed Districts. |

# THE BRITISH BALUCHISTAN CRIMINAL JUSTICE REGULATION, 1890.

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7. Detention by police.

SECTIONS.

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14. Restrictions on appeal.
15. Enhancement of punishment on appeal.
16. Contempt and offences against public justice or relating to documents.
17. Conduct of prosecutions.
18. Adjournment on application for transfer of case.
19. Orders not reversible on technical grounds alone.
20. Process and copying fees, and admission of pleaders and petition-writers.
21. Saving of provisions relating to European British subjects.

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## REGULATION No. II OF 1890.

*Received the Governor General's assent on the 23rd January, 1890, and published in the Gazette of India, 1890, Pt. I, p. 44.*

## A Regulation to provide for the Administration of Criminal Justice in British Baluchistan.

WHEREAS it is expedient to provide for the administration of criminal justice in British Baluchistan; It is hereby enacted as follows:—

Title and commencement.

1. (*1*) This Regulation may be called the British Baluchistan Criminal Justice Regulation, 1890; and

(*2*) It shall come into force on such day,[a] within three months from the time at which it may receive the Governor General's assent, as the Local Government may, by notification in the Gazette of India, appoint in this behalf.

Application of the Code of Criminal Procedure.

2. Subject to the modifications set forth in the schedule, the Code of Criminal Procedure, 1882,[b] as amended by Acts III of 1884, X of 1886, V and XIV of 1887 and I of 1889 (which Code as so amended is in this Regulation referred to as "the Code"), shall extend to the whole of British Baluchistan, so far as it can be made applicable in the circumstances for the time being.

X of 1882.

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[a] The 19th April 1890—see Gazette of India, 1890, Pt. II, p. 162.

[b] For Act X of 1882, as modified up to the 15th December, 1888, see the revised edition published by the Legislative Department.

## SCHEDULE.

(*See section 2.*)

MODIFICATIONS SUBJECT TO WHICH THE CODE IS TO EXTEND TO BRITISH BALUCHISTAN.

"High Court." (section 4, cl. (*l*).)

1. (*1*) "High Court" shall mean—

(*i*) in reference to proceedings against European British subjects or persons jointly charged with such subjects, the Chief Court of the Punjab; and

(*ii*) in reference to proceedings against other persons, the Chief Commissioner of British Baluchistan.

(*2*) That portion of sub-section (*1*) which declares the Chief Court of the Punjab to be the High Court in reference to proceedings against European British subjects is enacted with the previous sanction of the Secretary of State for India in Council.

"Pleader." (Section 4, cl. (*q*).)

2. "Pleader," used with reference to any proceeding in any Court, means a legal practitioner having authority from the Chief Commissioner to practise in such Court.

Court of Session. (Sections 7, 9 and 193, and Chapter XXIII.)

3. (*1*) Each district[a] shall be a Sessions Division, the Court of the District Magistrate shall be the Court of Session for that Division, and the District Magistrate shall be the Judge of that Court.

(*2*) As Judge of a Court of Session a District Magistrate may take cognizance of any offence as a Court of original jurisdiction without the accused person being committed to him by a Magistrate, and, when so taking cognizance of an offence, shall, subject to the provisions of this Regulation, follow the procedure prescribed for the trial of warrant-cases by Magistrates.

(*3*) A trial before a Court of Session may be without jury or aid of assessors.

Conferment of magisterial powers on police-officers. (Section 14.)

4. Notwithstanding anything in Act V of 1861,[b] or in any other enactment for the time being in force, the Local Government may confer on any police-officer all or any of the powers conferred or conferable by or under the Code on any Magistrate, in regard to particular cases, or to a particular class or particular classes of cases, or to cases generally.

5. (*1*) Magistrates described in the first column of the following table shall

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[a] For the constitution of districts and subdivisions and the appointment of District and other Magistrates for the purposes of the Code of Criminal Procedure as applied to British Baluchistan, see Appendix, *infra*, pp. 124 to 126.

[b] Printed, General Acts, 1834—1866, Ed 1867, p. 363.

have the powers severally specified against them in the second column thereof, without being further empowered in that behalf:— Magistrates. (Sections 36, 37 and 260.)

| Magistrates. | Powers. |
|---|---|
| 1 | 2 |
| Magistrates of the first class . . | To require security for good behaviour, section 110:<br>To make orders as to local nuisances, section 133. |
| Magistrates of the first or second class. | To make orders prohibiting repetition of nuisances, section 143:<br>To make orders under section 144 |
| Magistrates of the first, second or third class. | To entertain complaints, section 191:<br>To receive police-reports, section 191:<br>To entertain cases without complaint, section 191. |
| Subdivisional Magistrates . | To call for records, section 435. |

(*2*) The Local Government may empower a Magistrate of any class to try in a summary way under Chapter XXII any offence mentioned in section 260 which under section 29 he is competent to try.

6. Any police-officer may exercise the powers conferred by section 55 on an officer in charge of a police-station. Power to any police-officer to act under section 55. (Section 55.)

7. (*1*) Notwithstanding anything in section 57 or section 61, an officer in charge of a police-station may detain a person arrested without warrant so long as in all the circumstances of the case is reasonable: Detention by police. (Sections 57 and 61.)

(*2*) But when the officer of his own authority detains any such person in custody for a longer period than twenty-four hours exclusive of the time necessary for the journey from the place of arrest to the nearest Magistrate's Courts, he shall state in the report prescribed in section 62 his reasons for prolonging the detention of the person, and, where the detention extends beyond three days, shall submit further reports of the reasons therefor at such intervals as the Magistrate to whom the report under section 62 was submitted may by general or special order direct.

8. Nothing in the first paragraph of section 162 shall be construed to apply to a statement made to a police-officer who is a Magistrate. Complement to British Baluchistan Laws Regulation, 1890, s. 4, cl. (*2*). (Section 162.)

9. A prosecution for an offence against the State, or for the offence of giving false evidence in respect of a statement made by a person who has accepted a tender of pardon, may be entertained upon complaint made by order of, or under authority from, the District Magistrate. State offences and false evidence by person to whom pardon has been tendered. (Sections 196 and 339.)

Tender of pardon. (Section 337.)

10. A Magistrate tendering a pardon to an accomplice under section 337 need not record his reasons for so doing, and, notwithstanding anything in that section, may try the case himself.

Recording of evidence. (Chapter XXV.)

11. In inquiries and trials (other than summary trials) by or before a Magistrate or Court of Session, it shall be sufficient if the Magistrate or Court makes a memorandum of the substance of the evidence of each witness as the examination of the witness proceeds.

Execution of sentence of imprisonment for six months or less. (Section 383.)

12. In the case of a sentence of imprisonment for a term not exceeding six months, the Court passing the sentence may forward the accused with a warrant to the District Magistrate, who may in his discretion either cause the prisoner to be employed in any part of the district as a labourer on roads or other works of public utility, or forward him to the nearest jail.

Appeal to High Court and limitation therefor. (Section 408.)

13. (*1*) A person convicted on a trial held by a District Magistrate may appeal to the High Court.

(*2*) Notwithstanding anything in the Indian Limitation Act, 1877,* the period of limitation for an appeal to the High Court shall, except in the cases provided for by No. 150 and No. 157 of the second schedule to that Act, be thirty days from the date of the conviction. XV of 1877.

Restrictions on appeal. (Sections 413 and 414.)

14. (*1*) Notwithstanding anything in this schedule or in the Code, an appeal shall not lie—

(*a*) in a case in which a Magistrate of the first class passes a sentence of imprisonment for a term not exceeding six months only, or of fine not exceeding five hundred rupees only, or of whipping only ; or

(*b*) in a case in which a District Magistrate or Court of Session passes a sentence of imprisonment for a term not exceeding one year, or of fine not exceeding one thousand rupees, or of whipping, or of all or any of those punishments combined.

(*2*) The Governor General in Council may at any time, by notification in the Gazette of India, direct that this section shall cease to be in force in any district with effect from a date to be specified in the notification.

Enhancement of punishment on appeal. (Section 423.)

15. In any case in which an appeal lies, the Appellate Court may enhance any punishment which has been awarded :

Provided that, if the appeal is from the sentence of a Magistrate of any class, the Appellate Court shall not inflict a greater punishment than might have been inflicted by a Magistrate of the first class.

Contempt and offences against public justice or

16. Where an offence referred to in section 195 is committed before a Judge of a Criminal Court or Magistrate, or in contempt of his authority, or

* Printed, General Acts, 1877—1881, Ed. 1884, p. 91.

is brought to his notice in the course of a judicial proceeding, he may himself try for the offence the person accused thereof. relating to documents. (Section 487.)

17. Notwithstanding anything in section 495, a Court may allow any police-officer to conduct a prosecution. Conduct of prosecutions. (Section 495.)

18. A Court may, for reasons to be stated in writing, refuse to exercise in the manner mentioned in section 526A the power of postponement or adjournment given by section 344. Adjournment on application for transfer of case. (Section 526A.)

19. Notwithstanding anything in the Code, a finding, sentence or order shall not be reversed or altered on appeal or revision on account of any irregularity of procedure unless the irregularity has occasioned a failure of justice. Orders not reversible on technical grounds alone. (Section 537.)

20. (*1*) With the previous sanction of the Governor General in Council, rules may be made under section 553, clause (*c*), for the regulation of the following among other matters, namely :— Process and copying fees, and admission of pleaders and petition-writers. (Section 553.)

(*a*) the fees to be paid for processes ;

(*b*) the fees to be paid for copies and inspection of records ;

(*c*) the qualifications to be possessed by, and the conditions to be imposed on, legal practitioners applying to the Chief Commissioner for authority to practise in Criminal Courts, and the fees, if any, to be paid for the concession of such authority ; and

(*d*) the licensing of petition-writers and regulation of their conduct.

(*2*) Whoever breaks any rule under clause (*d*) of sub-section (*1*) may, subject to the provisions of any rule under that clause, be suspended or removed from practice or be punished with fine which may extend to fifty rupees.

21. Nothing in this schedule with respect to procedure in inquiries or trials, or with respect to sentences or appeals therefrom or the enhancement or execution thereof, shall be construed to affect the Code in its application to European British subjects or persons jointly charged with such subjects. Saving of provisions relating to European British subjects.

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# THE BRITISH BALUCHISTAN CIVIL JUSTICE REGULATION, 1890.

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87. Reference to single arbitrator.

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## REGULATION No. III OF 1890.

*Received the Governor General's assent on the 23rd January, 1890, and published in the Gazette of India, 1890, Pt. I, p. 46.*

## A Regulation to provide for the Administration of Civil Justice in British Baluchistan.

WHEREAS it is expedient to provide for the administration of civil justice in British Baluchistan; It is hereby enacted as follows:—

### CHAPTER I.

PRELIMINARY.

Title and commencement.

1. (*1*) This Regulation may be called the British Baluchistan Civil Justice Regulation, 1890; and

(*2*) It shall come into force on such day,[a] within three months from the

[a] The 19th April, 1890—see Gazette of India, 1890, Pt. II, p. 162.

time at which it may receive the Governor General's assent, as the Local Government may, by notification in the Gazette of India, appoint in this behalf.

## CHAPTER II.

### THE COURTS.

Grades of Civil Courts.

2. Besides the Courts established under any other enactment for the time being in force, the Civil Courts in British Baluchistan shall be of five grades, namely :—

(*1*) the Court of the Chief Commissioner;

(*2*) the Court of the Deputy Commissioner;

(*3*) the Courts of the Assistant Commissioner and Extra Assistant Commissioner;

(*4*) the Courts of the Tahsildár and Munsif; and

(*5*) the Court of the Naib-tahsildár.

Appointment of presiding officers.

3. (*1*) The presiding officers of the Courts of the first, second and third grades shall be appointed[a] and may be removed by the Governor General in Council.

(*2*) The presiding officers of the Courts of the fourth and fifth grades shall be appointed[b] and may be removed by the Local Government subject to the control of the Governor General in Council.

Number of Courts of second, third fourth and fifth grades.

4. The Local Government may, with the previous sanction of the Governor General in Council, fix and vary the number of Courts[c] of the second, third, fourth and fifth grades.

Power to fix local limits of jurisdiction of Courts of second, third, fourth and fifth grades.

5. The Local Government, by notification in the Gazette of India, may, with the previous sanction of the Governor General in Council, fix and vary the local limits[d] of the jurisdiction of Courts of the second, third, fourth and fifth grades.

Original jurisdiction of Courts.

6. Except as otherwise provided by any other enactment for the time being in force—

(*a*) the Court of the Naib-tahsildár shall have jurisdiction to try suits of value not exceeding fifty rupees and of the nature cognizable by a

[a] For appointment of presiding officers of Courts of first, second and third grades, see Notification of the Governor General in Council, No. 816E., dated 9th April, 1890, in Appendix, *infra*, p. 128.

[b] For appointment of presiding officers of Courts of fourth and fifth grades, see Notification of the Chief Commissioner, No. 287C., dated 19th April, 1890, in Appendix, *infra*, p. 128.

[c] For Courts constituted under s. 4, see Notifications Nos. 285C. and 286C., dated 19th April, 1890, in Appendix, *infra*, pp. 126 and 127.

[d] For local limits of Courts fixed under this section, see Notifications Nos. 285C. and 286C., dated 19th April, 1890, in Appendix, *infra*, pp. 126 and 127.

Court of Small Causes established under the Provincial Small Cause Courts Act, 1887[a];

IX of 1887.

(*b*) the Courts of the Tahsíldár and Munsif shall have jurisdiction to try original suits of such value, not exceeding one thousand rupees, as the Local Government may in the case of each Tahsíldár or Munsif direct, or if no such direction has been made, then originals suits of value not exceeding three hundred rupees;

(*c*) the Courts of the Assistant Commissioner and Extra Assistant Commissioner shall have jurisdiction to try original suits of value not exceeding ten thousand rupees; and

(*d*) the Court of the Deputy Commissioner, and the Court of any Assistant Commissioner or Extra Assistant Commissioner whom the Local Government may, by notification in the Gazette of India, specify in this behalf, shall have jurisdiction to try original suits without limit as regards the value.

High Court and District Court.

**7.** (*1*) Subject to the provisions of this section, and of any other enactment for the time being in force, the Court of the Chief Commissioner shall, for the purposes of all enactments relating to civil jurisdiction for the time being in force, be deemed to be the High Court for British Baluchistan.

(*2*) The Court of the Deputy Commissioner shall, for the same purposes, be deemed to be the principal Civil Court of original jurisdiction and the District Court for the local area within its jurisdiction.

IV of 1869.

(*3*) For the purposes of the Indian Divorce Act[b] the Chief Court of the Punjab and the Deputy Commissioner shall be deemed to be the High Court and the District Judge, respectively.

Control over Civil Courts.

**8.** (*1*) The general superintendence and control over all other Civil Courts shall be vested in, and all such Courts shall be subordinate to, the Court of the Chief Commissioner.

(*2*) Subject to the general superintendence and control of the Court of the Chief Commissioner, the Deputy Commissioner shall control all other Civil Courts in the local area within his jurisdiction.

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## CHAPTER III.

### CIVIL PROCEDURE.

*General Rule.*

Procedure

**9.** Except as otherwise provided by any other enactment for the time

[a] Printed, General Acts, 1885—1888, Ed 1889, p. 128.
[b] Printed, General Acts, 1867—1876, Ed. 1887, p. 30.

be observed in Civil Courts.

being in force, the provisions of this Chapter shall apply to all suits and other proceedings in the Civil Courts of British Baluchistan.

*Prior Adjudications and Pending Suits.*

Effect of prior adjudication.

10. A Court shall not try any suit in which the matter in issue has been heard and finally decided by a Court of competent jurisdiction in a former suit between the same parties in the same rights, or between parties under whom they, or any of them, claim.

Effect of pending suits.

11. A Court shall not try any suit in which the matter in issue is also in issue in another suit between the same parties, or between parties under whom they, or any of them, claim, pending in the same or any other Court, whether superior or inferior, in British India.

*Appearances, Applications and Acts by Parties.*

Appearance in person or by representative.

12. (*1*) The Court may in its discretion, for any sufficient reason, permit any appearance, application or act, required to be made or done by a party under this Regulation, to be made or done by the party through an authorized agent, or through a legal practitioner having authority from the Chief Commissioner to plead and act for parties with the permission of the Court under this sub-section.

(*2*) Permission under this section shall in all cases be granted to persons exempt from personal appearance in Court.

(*3*) Except with the permission of the Court granted under the foregoing provisions of this section, every appearance, application or act under this Regulation shall be made or done by a party in person.

(*4*) When the permission mentioned in this section is granted to a party, the agent or legal practitioner must, unless, in the case of a legal practitioner, he is an advocate of a High Court established by Royal Charter or of the Chief Court of the Punjab, be appointed by the party by instrument in writing, and that instrument must be filed in Court.

Withdrawal of permission to appoint representative.

13. In any case in which the Court has permitted a party not being a person exempt from personal appearance in Court to appear by an agent or a legal practitioner, it may, for reasons to be recorded in writing, withdraw the permission at any stage of the proceedings, and require the party to attend in person.

Consequences of not appearing in person when required.

14. A party required to attend in person under the last foregoing section, and failing so to attend, shall be subject to the provisions of this Regulation applicable to parties who do not appear.

*Institution of Suits.*

**15.** The plaintiff must begin his suit by presenting to the Court a written plaint. Mode of beginning suit.

**16.** On a plaint being so presented, the Court shall register the suit and examine the plaintiff, or his agent or legal practitioner, as to the merits of the case. Examination of plaintiff.

**17.** If upon the examination it appears that there is no substantial cause of action, or that the claim is one which from its nature is not a proper subject of litigation in a Civil Court, the Court may dismiss the suit. Summary dismissal of suit.

**18.** If upon the examination it is found that the plaintiff sets forth a good cause of action, the Court shall issue a summons to the defendant to appear and answer at a certain time and place. Issue of summons.

*Service of Summons on Defendants.*

**19.** Service of the summons shall be made by delivering or tendering a copy thereof signed by the Judge or such officer as he appoints in this behalf, and sealed with the seal of the Court, and, when there are more defendants than one, service of the summons shall be made on each defendant. Mode of service of summons.

**20.** Whenever it is practicable, the service shall be on the defendant in person. Service on defendant in person.

**21.** When the defendant cannot be found the service may be on any adult male member of his family residing with him or, where the defendant is a member of a tribe, on the head of the tribe. Service when defendant cannot be found.

**22.** (*1*) Where the summons is served on the defendant personally, or on any person on his behalf, the person on whom the service is made shall be required to sign an acknowledgment of service, to be endorsed on the original summons or on a copy thereof under the seal of the Court. Endorsement of summons by person served.

(*2*) If the person refuses to sign the acknowledgment, the service of the summons shall nevertheless be held sufficient if it is otherwise proved to the satisfaction of the Court.

**23.** When the defendant cannot be found, and there is no person on whom the service can be made, the service may be effected by posting the copy of the summons on the outer door of the house in which the defendant ordinarily resides, if he ordinarily resides at any place within the local limits of the jurisdiction of the Court. Service by posting copy of summons on door of ordinary residence.

**24.** The person serving a summons shall, in all cases in which the summons has been served, endorse on the original summons, or on a copy thereof Endorsement of summons

by person serving.

under the seal of the Court, the time when, and the manner in which, it was served.

Substituted service when summons is returned unserved.

25. (*1*) When a summons is returned to the Court without having been served, if the plaintiff satisfies the Court that there is reasonable ground for believing that the defendant is keeping out of the way for the purpose of avoiding the service of the summons, or that for any other reason the summons cannot be served in the ordinary way, the Court shall order the summons to be served—

(*a*) by posting a copy thereof on some conspicuous place in the court-house and also on the door of the house in which the defendant last resided, if it is known where he last resided, or

(*b*) in such other manner as the Court thinks proper.

(*2*) A service in the manner ordered by the Court under clause (*b*) of sub-section (*1*) shall be as effectual as if it had been made in the manner specified in clause (*a*) of that sub-section.

Fixing of time for appearance in case of substituted service.

26. When service is substituted by order of the Court under the last foregoing section, the Court shall fix such time and place for the appearance of the defendant as the case may require.

Service on defendant residing out of jurisdiction and having no agent.

27. If the defendant ordinarily resides beyond the local limits of the jurisdiction of the Court in which the suit is instituted, and has not within those limits an agent empowered to accept the service, the Court shall transmit the summons for service to a Court having jurisdiction at the place where the defendant resides.

Service on defendant residing out of British India and having no agent.

28. (*1*) If the defendant resides out of British India and has not in British India an agent empowered to accept the service, the summons shall be addressed to the defendant at the place where he resides, and be forwarded to him by post or otherwise.

(*2*) If at the time fixed for the hearing of the suit, or at any time subsequent thereto to which the hearing may be adjourned, a defendant to whom a summons has been forwarded under sub-section (*1*) does not appear, the Court may, on the application of the plaintiff, direct that the plaintiff shall be at liberty to proceed with his suit in such manner, and subject to such conditions, as the Court thinks fit.

Service on agent in charge of immoveable property.

29. When the suit is for land or other immoveable property, and the summons for any reason cannot be served on the defendant in person, the summons may be served on any agent of the defendant in charge of the land or other property.

*Consequences of non-appearance of Parties.*

Dismissal of suit on non-appearance of either party.

**30.** (*1*) If, at the time fixed for the defendant to appear and answer, or at any time subsequent thereto to which the hearing of the suit may be adjourned, neither party appears when called upon by the Court, the suit shall be dismissed.

(*2*) When a suit is dismissed under sub-section (*1*), the plaintiff may bring a fresh suit, or, if within a period of thirty days from the date of the dismissal of the suit he satisfies the Court that there was sufficient cause for his failure to appear, the Court may issue a fresh summons upon the plaint already filed.

Procedure on non-appearance of defendant when summons was duly served.

**31.** (*1*) If the plaintiff appears and the defendant does not appear, and it is proved to the satisfaction of the Court that the summons was duly served, the Court shall proceed to hear the suit *ex parte*.

(*2*) If the defendant appears at any subsequent time to which the hearing of the suit may be adjourned, and assigns good cause for his previous failure to appear, he may, upon such terms as the Court may direct as to payment of costs or otherwise, be heard in answer to the suit in like manner as if he had appeared at the time fixed for his appearance.

Procedure on non-appearance of defendant when summons was not duly served or not served in due time.

**32.** (*1*) If the plaintiff appears and the defendant does not appear, and it is not proved to the satisfaction of the Court that the summons was duly served in any of the modes of service provided by this Regulation, the Court may direct a second summons to the defendant to be issued in any of those modes.

(*2*) If the plaintiff appears, and it is proved to the satisfaction of the Court that the summons was served on the defendant, but was served on him too late to admit of his appearing and answering at the time fixed in the summons, the Court shall postpone the hearing of the suit to a future time to be fixed by the Court and may direct notice of that time to be given to the defendant.

Judgment by default against plaintiff not appearing or against defendant on admission.

**33.** (*1*) If the defendant appears and the plaintiff does not appear, the Court shall pass judgment against the plaintiff by default, unless the defendant admits the claim, in which case the Court shall pass judgment against the defendant upon the admission.

(*2*) When judgment is passed against a plaintiff by default, he shall be precluded from bringing a fresh suit in respect of the same cause of action.

Consequence of non-appearance of one or more

**34.** If there are two or more plaintiffs, and appearance is made by one or more of them and not by the other or others, the Court may, at the instance of the plaintiff or plaintiffs appearing, proceed with the suit in the same way

of several plaintiffs.

as if all the plaintiffs had appeared, and pass such order as is just and proper in the circumstances of the case.

Consequence of non-appearance of one or more of several defendants.

**35.** If there are two or more defendants, and appearance is made by one or more of them and not by the other or others, the Court shall proceed with the suit to judgment and shall, at the time of passing judgment, make such order with respect to the defendant or defendants by whom appearance has not been made as is just and proper in the circumstances of the case.

Setting aside judgment *ex parte* against defendant.

**36.** (*1*) Where judgment is passed *ex parte* against a defendant, he may apply at any time, not later than thirty days from the date on which any process for enforcing the judgment has been executed, to the Court by which the judgment was passed, for an order setting it aside.

(*2*) If it is proved to the satisfaction of the Court that the summons was not duly served, or that the defendant was prevented by sufficient cause from appearing when the suit was called on for hearing, the Court shall pass an order setting aside the judgment and appoint a time for proceeding with the suit.

Setting aside judgment against plaintiff by default.

**37.** (*1*) Where judgment is passed against a plaintiff by default, he may apply, within thirty days from the date of the judgment, for an order setting it aside.

(*2*) If it is proved to the satisfaction of the Court that the plaintiff was prevented by sufficient cause from appearing when the suit was called on for hearing, the Court shall pass an order setting aside the judgment by default and appoint a time for proceeding with the suit.

Judgment not to be set aside without notice.

**38.** A judgment shall not be set aside on an application under either of the two last foregoing sections unless notice of the application has been served on the opposite party.

*Fixing Issues and Preparations for the Hearing.*

Framing of issues.

**39.** If both parties are present at the time fixed for the defendant to appear and answer, or at any time subsequent thereto to which the proceedings are adjourned for the purposes of this section, the Judge shall examine them with a view to ascertaining upon what questions of law and fact the parties are at issue, and, having with his own hand made a note of the examination, shall frame and record the issues of law and fact on which the right decision of the case depends.

Procedure when parties are at issue on a question of fact.

**40.** (*1*) If the parties are at issue on a question of fact, the Court shall then further examine them as to the evidence they intend to adduce upon the question, and shall either proceed at once to hear the suit or appoint a time and place for the hearing thereof.

(*2*) Upon such sums being deposited for the expenses of witnesses as, subject to any rules under this Regulation, the Court thinks reasonable, the Court shall issue such summonses for the attendance of witnesses and the production of documents as the parties may desire.

Service of summons on witnesses.

**41.** A summons to a witness shall be signed, sealed and served as nearly as may be in the manner provided by this Regulation for the signing, sealing and service of a summons on a defendant.

Arrest of witness neglecting to attend.

**42.** If a witness on whom a summons has been so served neglects or refuses to appear at the time and place appointed and does not offer reasonable excuse for the neglect or refusal, the Court may issue a warrant to bring the witness before it to give his evidence.

*The Hearing.*

Mode of taking evidence.

**43.** (*1*) At the time for the hearing of the suit, or at some time subsequent thereto to which the hearing may be adjourned, the evidence of the witnesses, and of any parties to the suit appearing as witnesses, shall be taken by the Judge orally in open Court and in presence of the parties.

(*2*) Any evidence given in a language not understood by a party to the suit shall be interpreted to that party as the examination proceeds.

(*3*) Each party may examine the opposite party and all witnesses.

Recording of evidence.

**44.** A memorandum of all evidence taken shall be recorded by the Judge with his own hand as the examination proceeds, either in English or in the language prescribed by the Local Government as the language of the Court, as the Judge thinks fit.

Power for Court to examine witness or require production of document.

**45.** At any stage of the suit the Court may examine as a witness any person present in Court or call upon him to produce any document or other thing, or may summon any person to give evidence or produce any document or other thing, if it considers that the evidence of the person, or the production of the thing, is likely to aid it in the decision of the matters in dispute.

*Judgments.*

Delivery of judgment.

**46.** When the documentary evidence, if any, has been perused, and the witnesses have been examined and the parties heard, the Court shall, either immediately or at some subsequent time of which due notice shall be given to the parties, deliver its judgment.

Judgment to be in writing.

**47.** The judgment shall be written by the Judge with his own hand either in English or in the language prescribed by the Local Government as the language of the Court, as the Judge thinks fit, and it shall be dated and signed by the Judge at the time it is delivered.

Contents of judgment.

**48.** The judgment shall contain the decision of the Court upon each issue, together with the grounds of the decision, and shall conclude with a decree clearly stating the relief granted or other determination of the suit:

Provided that, when the decision upon one or more issues is sufficient for the disposal of the suit, the Court may, in its discretion, abstain from pronouncing any decision upon the remaining issues.

Costs.

**49.** (*1*) The decree shall specify the costs payable and the parties by whom they are to be paid.

(*2*) In determining the amount of costs the Court shall not allow the remuneration of agents or legal practitioners permitted under section 12 to plead or act.

Allowance of interest.

**50.** When the suit is for a sum of money due to the plaintiff, the Court may in the decree order simple interest at such rate as it thinks fit to be paid on the principal sum adjudged from the date of suit to the date of decree in addition to any interest adjudged on the principal sum for any period prior to the date of suit, with further simple interest, at a rate not exceeding six per centum yearly, on the aggregate sum so adjudged and on the costs of the suit from the date of the decree to the date of payment.

Payment of amount of decree by instalments.

**51.** In a decree for the payment of money the Court may, for any sufficient reason, order that the amount due under the decree shall be paid by instalments with or without interest.

Contents of decree for moveable property.

**52.** Where in a suit for moveable property the decree is for the delivery of the property, the Court shall fix an amount of money to be paid as an alternative if delivery cannot be made.

Copies of judgment to be furnished to parties.

**53.** Certified copies of the judgment, and, in cases where the judgment is required to be translated, of the translation thereof, shall be furnished to the parties on their application and on payment by them of the cost of the copies.

*Procedure in Special Cases.*

Injunction against waste, damage or alienation of property in dispute.

**54.** If at any stage of a suit before judgment a Court is satisfied, upon such inquiry as it considers necessary, that any property which is in dispute in the suit is in danger of being wasted, damaged or alienated by a party to the suit, it may, on such terms as may appear to it to be just, issue an injunction to that party commanding him to refrain from the act of waste, damage or alienation, or make such order for the purpose of staying and preventing him from wasting, damaging or alienating the property, or for the care and custody thereof, as it thinks fit.

Injunction against breach

**55.** In any suit for restraining the defendant from the committal of any breach of contract or other injury, the Court may at any time after the com-

mencement of the suit, and either before or after judgment, and on such terms as may appear to it to be just, issue an injunction restraining the defendant from the repetition or continuance of the breach of contract or the injury or the committal of any similar breach of contract or injury. — of contract or committal of injury.

56. In case of disobedience to an injunction issued under either of the two last foregoing sections, the injunction may be enforced by attaching the property of the party to whom the injunction was addressed and retaining it under attachment until he obeys the injunction. — Enforcement of injunctions by attachment of property.

57. The Court may at any time vary or set aside an order made by it under section 54 or section 55; and, if it is satisfied that any such order has been applied for and procured by any party on grounds known to the party to be insufficient, it may award against the party in its decree such amount as it deems a reasonable compensation to the party aggrieved by the order. — Power to vary or set aside orders under sections 54 and 55, and to adjudge compensation to party injured.

58. (*1*) If at any hearing of a suit it appears to the Court desirable that any person not already a party to the suit should be made a party thereto, it may direct that the person be made a plaintiff or defendant, as the case may be. — Power to add parties.

(*2*) Where a person is so made a plaintiff or defendant, the Court shall cause a summons to be served on him in the manner provided by this Regulation for the service of a summons on a defendant.

59. Where a suit involves any question regarding succession, inheritance, pre-emption, marriage or caste, or any religious usage or institution, it may be heard with the aid of assessors selected by the Court from the class to which the parties belong. — Certain suits triable with the aid of assessors.

*Miscellaneous.*

60. Women who, according to the customs and manners of the class to which they belong, ought not to be compelled to appear in public shall be exempt from personal appearance in Court, whether as parties or as witnesses. — Exemption of women from appearance in person.

61. The Local Government may, by notification in the Gazette of India, exempt from personal appearance in Court, whether as a party or as a witness, any person whose rank appears to entitle him to the privilege of exemption, and may, by like notification, withdraw the privilege. — Power to Local Government to exempt from appearance in person.

62. (*1*) All documents admitted as evidence in a suit, other than entries in shop-books or other books, shall be filed with the record and shall not be returned to the parties without the written permission of the Court. — Filing of documents admitted in evidence.

(*2*) A certified copy of any document to be so returned within three months from the date of the disposal of the suit shall be made at the expense of the person applying for the return of the document, and be filed with the record.

(3) No fee shall be payable under the Court-fees Act, 1870[a] in respect of an application for the return of a document, or in respect of a certified copy to be filed with the record, under this section. VII of 1870.

Mode of admission in evidence of entry in book.

**63.** (1) When a party desires to put in evidence an entry in a shop-book or other book, he shall produce the book to the Court, together with a copy of the entry on which he relies.

(2) The Court shall forthwith mark the entry for the purpose of identification, and, having examined and compared the copy with it, shall file the copy with the record and return the book to the party producing it, unless there seems to the Court to be cause for impounding it.

*Execution of Decrees.*

Mode of execution of decrees.

**64.** (1) The Court shall, on application made by the decree-holder in writing, execute its decrees in the following manner, that is to say :—

(*a*) a decree for property in the possession of the judgment-debtor, by giving possession of the property to the decree-holder, or when the property is moveable, and possession of it cannot from any cause be given, by levying in the manner provided by this sub-section for the execution of a decree for money the amount fixed as an alternative under section 52;

(*b*) a decree for partition, by dividing the property and giving the decree-holder possession of his portion;

(*c*) a decree for money, by arresting and imprisoning the judgment-debtor subject to the provisions of the Debtors Act, 1888[b], or by attaching his property and selling it, or by both means; VI of 1888.

(*d*) a decree for the performance of any act by the judgment-debtor, by arresting and imprisoning him or by attaching his property and retaining it under attachment, or by both means.

(2) No person shall be imprisoned in execution of a decree for a longer period than six months in any case, or for a longer period than six weeks if the decree is for a sum of money not exceeding fifty rupees.

(3) No property in land shall be sold in execution of any decree without the previous sanction of the Chief Commissioner.

(4) In the last foregoing sub-section the word "land" means land which is not occupied as the site of any building in a town or village and is occupied or has been let for agricultural purposes or for purposes subservient to agricul-

[a] Printed, General Acts, 1867—76, Ed. 1887, p. 141.
[b] Printed, General Acts, 1885—88, Ed. 1889, p. 220.

ture, or for pasture, and includes the sites of buildings and other structures on such land.

Decree against surety.

**65.** Whenever a person has become liable as surety for the performance of a decree or of any part of a decree, the decree may be executed against him to the extent to which he has rendered himself liable, in the same manner as a decree may be enforced against a judgment-debtor.

Execution of *ex parte* decrees.

**66.** When an application is made for the execution of an *ex parte* decree, the Court may in its discretion, before ordering execution, require the applicant to give such security as it deems sufficient for compensation for any injury that may be done in the course of the execution, or may issue a notice to the judgment-debtor to show cause why the decree should not be executed.

*Appeal.*

Appeals from Courts of Tahsíldárs, Munsifs, Assistant Commissioners and Extra Assistant Commissioners.

**67.** (*1*) A decree or order made in an original suit of value not exceeding fifty rupees by a Tahsíldár or Munsif, or in an original suit of value not exceeding one hundred rupees by an Assistant Commissioner or Extra Assistant Commissioner, shall, subject to the provisions of this Regulation with respect to revision, be final.

(*2*) From every other decree or order of a Tahsíldár, Munsif, Assistant Commissioner or Extra Assistant Commissioner in an original suit, and from every decree or order of a Naib-tahsíldár in such suit, an appeal shall lie to the Court of the Deputy Commissioner.

Appeal from Court of Deputy Commissioner.

**68.** (*1*) A decree or order made in an original suit of value not exceeding five hundred rupees by a Deputy Commissioner shall, subject to the provisions of this Regulation with respect to revision, be final.

(*2*) From every other decree or order of a Deputy Commissioner in an original suit an appeal shall lie to the Court of the Chief Commissioner.

Appeals from appellate decrees and orders.

**69.** (*1*) Save as provided by this section, and subject to the provisions of this Regulation with respect to revision, an appellate decree or order of a Deputy Commissioner shall be final.

(*2*) An appeal from an appellate decree or order of a Deputy Commissioner in a suit of value exceeding one thousand rupees shall lie to the Court of the Chief Commissioner.

*Revision.*

Revision.

**70.** The Chief Commissioner or Deputy Commissioner may, of his own motion or otherwise, call for the record of any case decided by a Court under his control in which an appeal does not lie or in which, for cause shown to his satisfaction, an appeal has not been preferred within the time limited therefor, and may pass such order in the case as he thinks fit.

*Distribution of Business and Transfer of Proceedings.*

Power for Deputy Commissioner to distribute business.

[a]71. Notwithstanding anything in the Code of Civil Procedure[b] or the Provincial Small Cause Courts Act, 1887,[c] a Deputy Commissioner may, by order, direct that any civil business cognizable by his Court and the Courts under his control shall be distributed among those Courts in such manner as he thinks fit: XIV of 1882. IX of 1887.

Provided that, except so far as it may affect the exclusive jurisdiction of a Court of Small Causes or Court invested with the jurisdiction of a Court of Small Causes, a direction given under this section shall not empower any Court to exercise any powers or deal with any business beyond the limits of its proper jurisdiction.

Power for Chief Commissioner and Deputy Commissioner to transfer proceedings.

72. The Chief Commissioner or Deputy Commissioner may withdraw any suit or other proceeding pending in any Court under his control and try it himself or refer it for disposal to any other Court under his control and competent to try it.

*Review.*

Review.

73. (*1*) The Chief Commissioner may, for sufficient reason, review any decree or order which has been passed by himself and from which an appeal has not been preferred to Her Majesty in Council.

(*2*) A Court subordinate to the Court of the Chief Commissioner shall not review any decree or order made by it, except for the purpose of correcting a clerical error or other error manifestly the result of an oversight, without previously obtaining—

(*a*) in the case of any Court subordinate to the Deputy Commissioner, the permission of the Deputy Commissioner;

(*b*) in the case of the Court of a Deputy Commissioner, the permission of the Chief Commissioner.

## CHAPTER IV.

### REFERENCE TO ARBITRATION.

*Making and Contents of References.*

Making of reference.

74. Any Court may, with the consent of the parties, by order, refer any dispute before it to arbitration.

[a] This section was substituted for the original s. 71 by Reg. V of 1890, s. 47.
[b] For Act XIV of 1882, as modified up to the 1st July, 1888, see the revised edition published by the Legislative Department.
[c] Printed, General Acts, 1885–88, Ed. 1889, p. 128.

Contents of order of reference.

**75.** In referring any such dispute to arbitration, the Court making the reference shall specify, in the order of reference, the precise matter submitted to the arbitrators or arbitrator, and such period as it may think reasonable for the delivery of the award, and the Court may from time to time extend such period.

*References to several Arbitrators.*

Appointment of arbitrators where reference is to more than one arbitrator.

**76.** The parties to the case may each nominate either one or two arbitrators: provided that each party shall nominate the same number;

and a third or fifth arbitrator (as the case may be) shall be appointed by the Court making the reference.

Power to excuse arbitrator from serving and to call for nomination of substitute.

**77.** Every Court making a reference under this Chapter may, on good cause shown, excuse any person from serving as an arbitrator, and may call on the party who nominated such person to nominate another in the place of the person so excused.

Nomination of new arbitrator in place of one dying or failing to act.

**78.** If an arbitrator dies, desires to be discharged or refuses or becomes incapable to act, the party who nominated him shall nominate another person in his place.

Nomination by Court on default of parties.

**79.** If in any of the cases provided for by section 77 or section 78 any party fails for a week to nominate in manner aforesaid, the Court making the reference shall appoint some person to act as arbitrator.

Award.

**80.** The arbitrators shall determine and award concerning the matter referred to them for arbitration.

Summoning parties to give evidence.

**81.** If the arbitrators require the presence of the parties, or any other persons whose evidence may be necessary, they may apply to the Court making the reference, and the Court shall summon such parties or persons;

and all such parties or persons shall be bound to attend, either in person or by agent, as the arbitrators may require, and to state the truth and to produce such documents and other things as may be required before the arbitrators.

Preparation and submission of award.

**82.** The award shall be made in writing under the hands of the arbitrators, and shall be submitted by them to the Court making the reference, and the Court shall cause notice to be served on the parties to attend and hear the award.

Remission of award to arbitrators.

**83.** The Court making the reference may remit the award or any matter referred to arbitration to the re-consideration of the same arbitrators—

(*a*) if the award has left undetermined any matter referred to arbitration, or if it has determined a matter not referred to arbitration;

(*b*) if the award is so indefinite as to be incapable of execution; or

(*c*) if an objection to the legality of the award is apparent upon the face of the award.

Grounds for setting aside award.

84. (*1*) No award shall be liable to be set aside except on the ground of corruption or misconduct of all or any of the arbitrators.

(*2*) Any application to set aside an award shall be made within ten days after the day appointed for hearing the award.

Decision according to award.

85. If the Court making the reference sees no cause for remitting or further remitting the award or any matter referred to arbitration for reconsideration in the manner aforesaid,

and if no application has been made to set aside the award,

or if the Court has refused such application,

the Court shall decide in accordance with the award of the majority of the arbitrators,

and shall fix the amount to be allowed for the expenses of the arbitration, and direct by and to whom, and in what manner, the same shall be paid.

Bar to appeal and suit.

86. Such decision shall not be open to appeal, and shall be at once carried out;

and no Court shall entertain any suit for the purpose of setting it aside or against the arbitrators on account of their award.

*References to a single Arbitrator.*

Reference to single arbitrator.

87. If the parties desire that the matter in dispute be referred to one arbitrator instead of to three or five arbitrators under section 76, the matter may be so referred, and the provisions of sections 77 to 86, both inclusive, shall then apply, so far as they can be made applicable, to the single arbitrator and to the proceedings before him and his award.

## CHAPTER V.

### SUPPLEMENTAL PROVISIONS.

Disposal of pending

88. (*1*) Cases pending at the commencement of this Regulation shall be disposed of by such of the Courts under this Regulation as the Local Government may direct, and shall be dealt with as nearly as may be in accordance with the provisions of this Regulation.

(*2*) But if in any such case it appears to the Court that the application of any provision in this Regulation would deprive any party of any right which, but for this Regulation, would have belonged to him, the Court may proceed as if this Regulation were not in force.

Law to be administered.

89. (*1*) When in any suit it is necessary for a Court under this Regula-

tion to decide any question regarding succession, inheritance, pre-emption, marriage or caste, or any religious usage or institution,—

the Muhammadan law in cases where the parties are Muhammadans, and

the Hindu law in cases where the parties are Hindus,

shall form the rule of decision, except in so far as that law has been altered or abolished by legislative enactment, or is opposed to any custom having the force of law in British Baluchistan.

(*2*) In cases not provided for by sub-section (*1*) or by any other law for the time being in force, the Court shall act according to justice, equity and good conscience.

Power for Chief Commissioner to make rules.

**90.** (*1*) The Chief Commissioner may make rules consistent with this Regulation for regulating the practice and proceedings of his own Court and the Courts subordinate thereto.

(*2*) With the previous sanction of the Governor General in Council, rules may be made under sub-section (*1*) for the regulation of the following among other matters, namely :—

(*a*) the fees to be paid for processes ;

(*b*) the fees to be paid for copies and inspection of records ;

(*c*) the travelling and other expenses of witnesses ;

(*d*) the qualifications to be possessed by, and the conditions to be imposed on, legal practitioners applying to the Chief Commissioner for authority to plead and act for parties under this Regulation, and the fees, if any, to be paid for the concession of such authority ; and

(*e*) the licensing of petition-writers and regulation of their conduct.

(*3*) Whoever breaks any rule under clause (*e*) of sub-section (*2*) may, subject to the provisions of any rule under that clause, be suspended or removed from practice or be punished with fine which may extend to fifty rupees.

Miscellaneous proceedings.

**91.** The procedure to be observed by any Court under this Regulation in suits shall be followed, so far as it can be made applicable, in all proceedings in that Court other than suits.

Decrees and orders not reversible on technical grounds alone.

**92.** Notwithstanding anything in this Regulation, a decree or order shall not be reversed or altered on appeal or revision on account of any irregularity of procedure unless the irregularity has occasioned, or is likely to occasion, a failure of justice.

Conferment of powers of Deputy Commissioner.

**93.** (*1*) Subject to the other provisions of this Regulation, the Local Government may, by order in writing, invest any Assistant Commissioner or Extra Assistant Commissioner with all or any of the powers of a Deputy Commissioner under this Regulation and declare that the powers with which he is so invested are to be exercised within any specified local area and with respect to

any particular class or particular classes of cases or with respect to cases generally.

(*2*) The Court of an Assistant Commissioner or Extra Assistant Commissioner so invested shall, for all purposes connected with the exercise of the said powers, be deemed to be the Court of a Deputy Commissioner.

(*3*) The Local Government may, by order in writing, direct how business is to be distributed between the Deputy Commissioner and any Assistant Commissioner or Extra Assistant Commissioner invested as aforesaid.

Power to confer Small Cause Court jurisdiction.

94. (*1*) The Local Government may confer, within such local limits as it may prescribe in this behalf, upon any Tahsíldár, Munsif, Assistant Commissioner or Extra Assistant Commissioner the jurisdiction of a Judge of a Court of Small Causes under the Provincial Small Cause Courts Act, 1887,[a] for the trial of suits cognizable by such Courts up to such value not exceeding one hundred rupees in the case of a Tahsíldár or Munsif, or five hundred rupees in the case of an Assistant Commissioner or Extra Assistant Commissioner, as it thinks fit, and may withdraw any jurisdiction so conferred. IX of 1887.

(*2*) The Local Government may make rules for regulating the distribution of business between any Tahsíldár or Munsif and any Assistant Commissioner or Extra Assistant Commissioner upon whom jurisdiction may be conferred within the same local limits under this section.

Limitation for appeals and applications under this Regulation.

95. Where the Code of Civil Procedure[b] or any part thereof is referred to in the second or third division of the second schedule to the Indian Limitation Act, 1877,[c] the reference shall be construed as applying to this Regulation or the corresponding part thereof, if any. XIV of 1882. XV of 1877.

## THE BRITISH BALUCHISTAN FOREST REGULATION, 1890.

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[b] For Act XIV of 1882, as modified up to the 1st July, 1888, see the revised edition of the Act published by the Legislative Department.
[c] Printed, General Acts, 1877—81, Ed. 1884, p. 91.

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## REGULATION No. V OF 1890.

*(Received the Governor General's assent on the 7th June, 1890, and published in the Gazette of India, 1890, Pt. I, p. 427.*

**A Regulation to declare the law relating to Forests in British Baluchistan and amend the British Baluchistan Laws and Civil Justice Regulations, 1890.**

I and III of 1890.

WHEREAS it is expedient to declare the law relating to forests in British Baluchistan and amend the British Baluchistan Laws and Civil Justice Regulations, 1890; It is hereby enacted as follows:—

### CHAPTER I.

#### PRELIMINARY.

Title and extent.

1. (*1*) This Regulation may be called the British Baluchistan Forest Regulation, 1890; and

(*2*) It extends to the territories for the time being administered by the Chief Commissioner of British Baluchistan:

Provided that the Chief Commissioner may, by notification in the Gazette of India, exempt any place in those territories from the operation of the whole or any part of this Regulation, but not so as to affect anything done or any offence committed, or any fine or penalty incurred, or any proceedings commenced in such place before such exemption.

Definitions.

2. In this Regulation, unless there is something repugnant in the subject or context,—

(*1*) "Deputy Commissioner" means the chief executive Revenue-officer of the district:

(*2*) "State forest" means any land which may be constituted a State forest under this Regulation:

(*3*) "Forest-officer" means any person appointed, by name or as holding an office, by or under the orders of the Governor General in Council or the Chief Commissioner, to be Chief Forest-officer or a Deputy Conservator, Assistant Conservator, Sub-Assistant Conservator, Forest-ranger, Forester or Forest-guard, or to discharge any function of a Forest-officer under this Regulation or any rule thereunder:

(*4*) "Chief Forest-officer" means the Chief Forest-officer in British Baluchistan:

(*5*) "tree" includes palms, bamboos, stumps, brushwood and canes:

(*6*) "timber" includes trees when they have fallen or have been felled, and all wood whether cut up or fashioned or hollowed out for any purpose or not:

(7) "forest-produce" includes—

(*a*) the following, whether found in, or brought from, a forest or not, that is to say :—

timber, charcoal, caoutchouc, catechu, wood-oil, resin, natural varnish, bark, lac, mahua flowers and myrabolams; and

(*b*) the following when found in, or brought from, a forest, that is to say :—

(i) trees and leaves, flowers and fruits, and all other parts or produce not hereinbefore mentioned of trees,

(ii) plants not being trees (including grass, creepers, reeds and moss), and all parts or produce of such plants,

(iii) wild animals, and skins, tusks, horns, bones, silk, cocoons, honey and wax, and all other parts or produce of animals, and

(iv) peat, surface-soil, rock and minerals (including limestone, laterite, mineral oils and all products of mines or quarries) :

(8) "forest-offence" means an offence punishable under this Regulation :

(9) "cattle" includes elephants, camels, buffaloes, horses, mares, geldings, ponies, colts, fillies, mules, bulls, bullocks, cows, heifers, asses, pigs, rams, ewes, sheep, lambs, goats and kids : and

(10) "Magistrate" means a Magistrate of the first or second class, and includes a Magistrate of the third class when he is specially empowered by the Chief Commissioner to try forest-offences.

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## CHAPTER II.

### STATE FORESTS.

Constitution of State forests.

3. (1) The Chief Commissioner may, by notification in the Gazette of India, declare any woodland, permanent grazing-ground or other land which is the property of the Government to be a State forest from a date to be fixed in the notification.

(2) The notification shall specify as nearly as possible the situation and limits of the land in respect of which the declaration is made, and from the date fixed therein the said land shall be deemed to be a State forest.

(3) The Deputy Commissioner shall, before that date, cause a translation of the notification in the language of the country to be published in the town

and villages in the neighbourhood of the land, and in any other villages of which the residents have been accustomed to graze their flocks in, or in the vicinity of, the land.

Demarcation of State forests.

**4.** Whenever a State forest is not bounded by a road, stream or other existing well-defined boundary-mark, it shall be demarcated by cleared lines or in such other manner as the Chief Commissioner may direct.

Bar of acquisition of rights.

**5.** No right of any description adverse to the Government shall be acquired in or over a State forest by lapse of time or otherwise than under a grant or contract in writing made by, or on behalf of, the Government.

Power to close roads and pathways.

**6.** (*1*) In any State forest the Chief Forest-officer may from time to time, with the previous sanction of the Chief Commissioner, determine what roads and pathways shall be authorised for public traffic, and cause all other roads and pathways to be closed either permanently or for a time only.

(*2*) The Chief Forest-officer shall cause public notice to be given of the closing of any existing road or pathway.

Penalty for trespass or damage in State forests.

**7.** Any person who in a State forest—

(*a*) trespasses, or pastures cattle or permits cattle to trespass, off any road or pathway authorised for public traffic, or

(*b*) causes any damage by negligence in felling any tree or cutting or dragging any timber, or

(*c*) lops, notches, strips off the leaves from, or otherwise damages, any tree, or

(*d*) hunts, shoots, fishes, poisons water or sets traps or snares,

shall be punished with fine which may extend to fifty rupees, or, when the damage resulting from his offence amounts to more than twenty-five rupees, to double the amount of such damage.

Acts prohibited in State forests.

**8.** Any person who—

(*a*) sets fire to a State forest, or,

(*b*) in contravention of any rule made by the Chief Commissioner, kindles any fire or leaves any fire burning in such manner as to endanger a State forest,

or who in a State forest—

(*c*) kindles, keeps or carries any fire except at such seasons, and in such manner, as a Forest-officer specially empowered in this behalf may from time to time notify, or

(*d*) fells, girdles, marks, taps, strips off the bark from, or uproots or burns, any tree, or

(*e*) quarries stone, burns lime or charcoal, or collects, subjects to any manufacturing process or removes any forest-produce, or

(*f*) clears, cultivates or breaks up any land for cultivation or any other purpose,

shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both, and shall also be liable to pay such sum as compensation for damage done to the forest as the convicting Magistrate may direct.

Exceptions from prohibitions in sections 7 and 8.

9. (*1*) Nothing in section 7 or section 8 shall be deemed to prohibit any act done—

(*a*) with the permission of a Forest-officer specially empowered to give such permission, or

(*b*) in pursuance of any permission granted by the Chief Commissioner, or

(*c*) in accordance with any rule made by the Chief Commissioner, with the previous sanction of the Governor General in Council.

(*2*) The permission of the Forest-officer referred to in sub-section (*1*), clause (*a*), shall be in writing, and shall only authorise the doing of some particular act on some particular occasion.

(*3*) The permission referred to in sub-section (*1*), clause (*b*), may be a general permission to a person to pasture his cattle, or to collect and remove any forest-produce for the use of himself and his family but not for the purposes of trade.

(*4*) The rules referred to in sub-section (*1*), clause (*c*), may be applied by the Chief Commissioner, by notification in the Gazette of India, to all or any State forests, or to any part of a State forest, and may, with respect thereto,—

(i) regulate the cutting, sawing, conversion and removal of trees and timber, the cutting of grass and pasturing of cattle, and the collection and removal of forest-produce;

(ii) regulate the quarrying of stone, the prospecting for, and extracting of, oil, the boiling of catch, and the burning of lime or charcoal;

(iii) regulate hunting, shooting, fishing and setting traps or snares;

(iv) prescribe, or authorise any Forest-officer to prescribe, subject to the control of the Chief Commissioner, the fees, royalties or other payments for timber or other forest-produce, and the mode in which such fees, royalties or other payments shall be levied, whether in transit, or partly in transit, or otherwise.

In making any such rule the Chief Commissioner may direct that a breach of it shall be punishable which fine with may extend to fifty rupees, and, when the breach is a continuing breach, with a further fine which may extend to five rupees for every day after the first during which the breach continues.

(*5*) The Chief Commissioner may cancel any permission given by a Forest-

officer or withdraw any permission granted by himself, and may, by notification in the Gazette of India, cancel or modify, with the previous sanction of the Governor General in Council, all or any rules made under this section.

Power to declare forest to be no longer State forest.

**10.** (*1*) The Chief Commissioner, with the previous sanction of the Governor General in Council, may, by notification in the Gazette of India, direct that, from a date fixed by such notification, any State forest or any portion thereof shall cease to be a State forest.

(*2*) From the date so fixed such forest or portion shall cease to be a State forest.

## CHAPTER III.

### PROTECTION OF CERTAIN TREES.

Power to declare reserved trees.

**11.** The Chief Commissioner, by notification in the Gazette of India,—

(*a*) may declare that any trees or any specified class or classes of trees standing on any land at the disposal of the Government shall, from a date to be fixed by such notification, be reserved trees, and

(*b*) may vary or cancel any such notification.

Acts prohibited in regard to reserved trees.

**12.** (*1*) No person shall fell, girdle, mark, lop, tap or injure by fire or otherwise any reserved tree, except as provided by rules made by the Chief Commissioner in this behalf, or with the permission in writing of a Forest-officer specially empowered to grant such permission.

(*2*) Whoever fells, girdles, marks, lops, taps or injures by fire or otherwise any reserved tree in contravention of sub-section (*1*) shall be punished with fine which may extend to twenty rupees, or, when the damage resulting from his offence amounts to more than ten rupees, to double the amount of such damage.

## CHAPTER IV.

### FOREST-PRODUCE IN TRANSIT.

Power to establish forest-stations.

**13.** The Chief Forest-officer may, subject to the control of the Chief Commissioner, establish stations within or outside any State forest for the examination of timber and other forest-produce, and for the collection of dues leviable in respect of the same.

Power to prescribe routes for removal of forest-produce.

**14.** (*1*) No timber or other forest-produce shall be taken out of any State forest except by a route on which such a station has been established, or of which the use for the removal of timber or other forest-produce has been specially authorised by the Chief Forest-officer.

(*2*) A full description of every such route shall be fixed up by the Forest-

officer in charge of the forest division in the towns and villages in the neighbourhood of the forest served by the same.

Forest-produce in transit to be covered by pass.

**15.** (*1*) No timber or other forest-produce, whether the produce of a State forest or of other land, shall be taken along any route authorised for the removal of timber or other forest-produce under section 14 unless covered by a pass issued by a Forest-officer whom the Chief Forest-officer has duly authorised in that behalf or by the owner of the land, as the case may be.

(*2*) Such pass shall state the quantity and kind of timber or other forest-produce so taken, and the marks, if any, which it bears.

Penalty for breach of section 14 or section 15.

**16.** Any person who contravenes the provisions of section 14 or section 15 shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

Power to exempt from operation of section 14 or section 15.

**17.** A general exemption from the operation of section 14 or section 15, or both sections,—

(*a*) with respect to any class of timber or other forest-produce, or

(*b*) with respect to all timber or other forest-produce, in favour of the inhabitants of any specified locality,

may be granted by a Forest-officer specially empowered in this behalf.

## CHAPTER V.

### CATTLE-TRESPASS.

Application of Cattle-trespass Act, 1871.

**18.** Cattle trespassing in a State forest shall be deemed to be cattle doing damage to a public plantation within the meaning of section 11 of the Cattle-trespass Act, 1871[a], and may be seized and impounded as such by any Forest-officer or Police-officer specially authorised in this behalf by the Deputy Commissioner: I of 1871.

Provided that it shall be optional with the Forest-officer to proceed against the owner of such cattle under section 7 of this Regulation.

Levy of fines.

**19.** The Chief Commissioner may, by notification in the Gazette of India, direct that there shall be levied for each head of cattle impounded such fines as he thinks fit, but not exceeding the following, that is to say :—

| | R | a. |
|---|---|---|
| For each elephant . . . . . | 10 | 0 |
| For each camel or buffalo . . . . . | 2 | 0 |
| For each horse, mare, gelding, pony, colt, filly, mule, bull, bullock, cow or heifer . . . . . | 1 | 0 |
| For each calf, ass, pig, ram, ewe, heep, lamb, goat or kid . . | 0 | 8 |

[a] Printed, General Acts, 1867—76, Ed. 1887, p. 206.

## CHAPTER VI.

### PENALTIES AND PROCEDURE.

Seizure of property liable to confiscation and report thereof to Magistrate.

**20.** (*1*) When there is reason to believe that a forest-offence has been committed in respect of any timber or other forest-produce, such timber or produce, together with all tools, boats, carts and cattle used in committing such offence, may be seized by any Forest-officer or Police-officer.

(*2*) Every officer seizing property under this section shall place thereon, or on the receptacle (if any) in which it is contained, a mark indicating that the same has been so seized, and shall, as soon as may be, make a report of such seizure to the Magistrate having jurisdiction to try the offence on account of which the seizure has been made:

Provided that when the timber or other forest-produce with respect to which such offence is believed to have been committed is the property of the Government and the offender is unknown, it shall be sufficient if the officer makes, as soon as may be, a report of the circumstances to his official superior.

Procedure thereupon.

**21.** Upon the receipt of any such report the Magistrate shall take such measures as may be necessary for the trial of the accused and the disposal of the property according to law.

Confiscation of forest-produce and tools in case of forest-offence.

**22.** (*1*) When any person is convicted of a forest-offence, all timber or other forest-produce in respect of which such offence has been committed, and all tools, boats, carts, cattle and other things used in committing such offence, shall be liable, by order of the convicting Magistrate, to confiscation.

(*2*) Such confiscation may be in addition to any other punishment prescribed for the offence.

Disposal, on conclusion of trial for forest-offence, of forest-produce in respect of which offence was committed.

**23.** When the trial of any forest-offence is concluded, any timber or other forest-produce in respect of which such offence has been committed shall, if it is the property of the Government, or has been confiscated, be taken possession of by a Forest-officer specially empowered in this behalf, and may, in any other case, be disposed of in such manner as the Court may order.

Procedure when offender is not known or cannot be found.

**24.** (*1*) When the offender is not known or cannot be found, the Magistrate enquiring into the offence, if he finds that an offence has been committed, may, on application in this behalf, order the property in respect of which the offence has been committed to be confiscated and taken possession of by a Forest-officer specially empowered in this behalf, or to be made over to such Forest-officer or other person as the Magistrate considers entitled to receive the same:

Provided that no such order shall be made till the expiration of one month from the date of the seizure of such property, or without giving the person (if

any) claiming any right thereto an opportunity of being heard, and hearing the evidence (if any) which he may produce in support of his claim.

(2) The Magistrate shall either cause a notice of any application under this section to be served upon any person whom he has reason to believe to be interested in the property seized, or publish such notice in such manner as he thinks fit.

Procedure as to perishable property seized under section 20.

25. The Magistrate may, notwithstanding anything hereinbefore contained, direct the sale of any property seized under section 20 which is subject to speedy and natural decay, and may deal with the proceeds as he might have dealt with the property itself if it had not been sold.

Appeal from orders under sections 22, 23 and 24.

26. Any person claiming to be interested in property seized under section 20 may, within one month from the date of any order passed by a Magistrate under section 22, section 23 or section 24, present an appeal therefrom to the Court to which orders made by such Magistrate are ordinarily appealable, and the order passed on such appeal shall be final.

Vesting of confiscated property in Government.

27. When an order for the confiscation of property has been passed under section 22 or section 24, and no appeal from such order has been presented within the period prescribed by section 26, or when, on an appeal being presented, the Appellate Court confirms such order in respect of the whole or a portion of the property, such property or portion, as the case may be, shall vest in the Government free from all incumbrances.

Saving of power to release property seized.

28. Nothing hereinbefore contained shall be deemed to prevent any officer specially empowered in this behalf from directing at any time the immediate release of any property seized under section 20 and the withdrawal of any charge made in respect of such property.

Penalty for counterfeiting or defacing marks on trees and timber and for altering boundary-marks.

29. Whoever, with intent to cause damage or injury to the public or to any person, or to cause wrongful gain as defined in the Indian Penal Code[a],— XLV of 1860.

(*a*) knowingly counterfeits upon any timber or standing tree a mark used by Forest-officers to indicate that such timber or tree is the property of the Government or of some person, or that it may lawfully be cut or removed by some person, or

(*b*) unlawfully affixes to any timber or standing tree a mark used by Forest-officers, or

(*c*) alters, defaces or obliterates any such mark placed on any timber or standing tree by or under the authority of a Forest-officer, or

(*d*) alters, moves, destroys or defaces any boundary-mark of any State forest,

[a] See the revised edition of Act XLV of 1860 as modified up to 1st August, 1890, published by the Legislative Department.

shall be punished with imprisonment for a term which may extend to two years, or with fine, or with both.

Power to arrest without warrant.

**30.** (*1*) Any Forest-officer or Police-officer may, without orders from a Magistrate and without a warrant, arrest any person reasonably suspected of having been concerned in any forest-offence, if such person refuses to give his name and residence, or gives a name or residence which there is reason to believe to be false, or if there is reason to believe that he will abscond.

(*2*) Every officer making an arrest under sub-section (*1*) shall, without unnecessary delay, take or send the person arrested before a Magistrate having jurisdiction in the case or to the officer in charge of the nearest police-station.

Punishment for wrongful seizure or arrest.

**31.** (*1*) Any Forest-officer or Police-officer who vexatiously and unnecessarily seizes any property on pretence of seizing property liable to confiscation under this Regulation, or who vexatiously and unnecessarily arrests any person, shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

(*2*) Any fine so imposed or any portion thereof shall, if the convicting Magistrate so directs and the fine or portion is recovered, be given, subject to the direction in the last paragraph of section 545 of the Code of Criminal Procedure, 1882*, as compensation to the person aggrieved by such seizure or arrest.

X of 1882.

Power to prevent commission of offence.

**32.** Every Forest-officer and Police-officer shall prevent, and may interfere for the purpose of preventing, the commission of any forest-offence.

Power to compound offences.

**33.** (*1*) The Chief Commissioner may, by notification in the Gazette of India, empower a Forest-officer, by name or as holding an office,—

(*a*) to accept from any person against whom a reasonable suspicion exists that he has committed any forest-offence, other than an offence specified in section 29 or section 31, a sum of money by way of compensation for the offence which such person is suspected to have committed, and,

(*b*) when any property has been seized as liable to confiscation, to release the same on payment of the value thereof as estimated by such officer.

(*2*) On the payment of such sum of money, or such value, or both, as the case may be, to such officer, the suspected person, if in custody, shall be discharged, the property, if any, seized shall be released, and no further proceedings shall be taken against such person or property.

* For Act X of 1882, as modified up to the 15th December, 1888, see the revised edition published by the Legislative Department.

(3) A Forest-officer shall not be empowered under this section unless he is a Forest-officer of a rank not inferior to that of a Forest-ranger and is in receipt of a monthly salary amounting to at least one hundred rupees, and the sum of money accepted as compensation under sub-section (1), clause (*a*), shall in no case exceed the sum of fifty rupees.

Presumption as to ownership of forest-produce by Government.

34. When, in any proceedings taken under this Regulation, or in consequence of anything done under this Regulation, a question arises as to whether any timber or other forest-produce is the property of the Government, such timber or produce shall be presumed to be the property of the Government until the contrary is proved.

## CHAPTER VII.

### FOREST-OFFICERS.

Conferment of powers on Forest-officers.

35. (1) The Chief Commissioner may invest any Forest-officer, by name or as holding an office, with all or any of the following powers, that is to say:—

(*a*) the powers of a Civil Court to compel the attendance of witnesses and the production of documents;

(*b*) power to issue search-warrants under the Code of Criminal Procedure, 1882[a]; X of 1882.

(*c*) power to hold enquiries into forest-offences, and in the course of such enquiries to receive and record evidence;

(*d*) power to notify the seasons and manner in which fire may be kindled, kept or carried in a State forest;

(*e*) power to give the permission referred to in section 9, sub-section (1), clause (*a*);

(*f*) power to grant general exemptions under section 17;

(*g*) power to take possession of property under sections 23, 24 and 42;

(*h*) power to direct the release of property and withdrawal of charges under section 28;

and may withdraw any powers so conferred.

(2) Evidence recorded under clause (*e*) of sub-section (1) shall be admissible in any subsequent trial of the alleged offender before a Magistrate:

Provided that it has been taken in the presence of the accused person and recorded in the manner provided by section 355, section 356 or section 357 of the Code of Criminal Procedure, 1882.[a] X of 1882.

[a] For Act X of 1882, as modified up to the 15th December, 1888, see the revised edition published by the Legislative Department.

Forest-officers deemed public servants.

36. All Forest-officers shall be deemed to be public servants within the meaning of the Indian Penal Code.[a]

XLV of 1860.

Indemnity for acts done in good faith.

37. No suit or criminal prosecution shall lie against any public servant for anything done or omitted by him in good faith under this Regulation.

Forest-officers not to trade.

38. Except with the permission in writing of the Chief Commissioner, no Forest-officer shall, as principal or agent, trade in timber or other forest-produce, or be or become interested in any lease or mortgage of any forest, or in any contract for working any forest, whether in British or foreign territory.

## CHAPTER VIII.

### MISCELLANEOUS.

Additional power to

39. The Chief Commissioner may make rules consistent with this Regulation—

(*a*) to declare by what Forest-officer or class of Forest-officers the powers or duties conferred or imposed by or under this Regulation on a Forest-officer shall be exercised or performed,

(*b*) to regulate the rewards to be paid to officers and informers from the proceeds of fines and confiscations under this Regulation or from the public treasury, and,

(*c*) generally, to carry out the provisions of this Regulation.

Persons bound to give information and assistance to Forest-officer and Police-officer.

40. Every person who is permitted by a Forest-officer, or to whom permission has been granted by the Chief Commissioner, to pasture cattle in, or to collect and remove any forest-produce from, a State forest, and

every person who is employed by any such person in such a forest, and

every person in any village contiguous to such a forest who is employed by the Government, or who receives emoluments from the Government for services to be performed to the community,

shall be bound to furnish, without unnecessary delay, to the nearest Forest-officer or Police-officer any information which he may possess respecting the occurrence of a fire in or near such a forest, or the commission of, or intention to commit, any forest-offence, and shall assist any Forest-officer or Police-officer demanding his aid—

(*a*) in extinguishing any fire occurring in such a forest,

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[a] See the revised edition of Act XLV of 1860, as modified up to 1st August, 1890, published by the Legislative Department.

(*b*) in preventing any fire which may occur in the vicinity of such a forest from spreading to such a forest,

(*c*) in preventing the commission in such a forest of any forest-offence, and,

(*d*) when there is reason to believe that any such offence has been committed in such a forest, in discovering and arresting the offender.

Recovery of fines and other moneys.

**41.** All money, other than fines, payable to the Government under this Regulation or under any rule thereunder, or on account of the price of any timber or other forest-produce or of expenses incurred in the execution of this Regulation in respect of such timber or produce, may, if not paid when due, be recovered under the law for the time being in force as if it were an arrear of land-revenue.

Lien on forest-produce for such money.

**42.** (*1*) When any such money is payable for, or in respect of, any forest-produce, the amount thereof shall be deemed to be a first charge on such produce, and the produce may be taken possession of by a Forest-officer specially empowered in this behalf and may be retained by him until the amount has been paid.

(*2*) If the amount is not paid when due, the Forest-officer may sell the produce by public auction, and the proceeds of the sale shall be applied first in discharging such amount.

(*3*) The surplus (if any), if not claimed within two months from the date of the sale by the person entitled thereto, shall be forfeited to the Government.

Irresponsibility of Government and its officers for loss of or damage to certain forest-produce.

**43.** The Government shall not be responsible for any loss or damage which may occur in respect of any timber or other forest-produce while at a station established under section 13, or while detained elsewhere for the purposes of this Regulation, and no Forest-officer shall be responsible for any such loss or damage unless he causes the same negligently, maliciously or fraudulently.

Recovery of penalties due under bond.

**44.** When any person, in compliance with any rule under this Regulation, binds himself by any instrument to perform any duty or act, or covenants by any instrument that he, or that he and his servants and agents, will abstain from any act, the whole sum mentioned in such instrument as the amount to be paid in case of a breach of the conditions thereof may, notwithstanding anything in section 74 of the Indian Contract Act, 1872,[a] be recovered from him in case of such breach as if it were an arrear of land-revenue. IX of 1872

[a] Printed, General Acts, 1867—76, Ed. 1887, p. 319.

## CHAPTER IX.

### AMENDMENTS OF THE BRITISH BALUCHISTAN LAWS AND CIVIL JUSTICE REGULATIONS, 1890.

Amendment of section 4 of Regulation I of 1890.

I of 1890.

45. After clause (5) of section 4 of the British Baluchistan Laws Regulation, 1890, the following shall be added, namely :—

[*Printed supra, p.* 71.]

Repeal of words in section 7 of same Regulation.

46. In section 7 of the same Regulation the words and figures "including the Baluchistan Forest Law published in the Notification of the Foreign Department No. 876 E., dated the 14th May, 1886," are hereby repealed.

Substitution of new section for section 71 of Regulation III of 1890.

III of 1890.

47. For section 71 of the British Baluchistan Civil Justice Regulation, 1890, the following shall be substituted, namely :—

[*Printed supra, p.* 96.]

# APPENDIX TO PART I.

## LOCAL RULES AND ORDERS MADE FOR BRITISH BALUCHISTAN.

### I.—Order under the Police Act V of 1861.

*No. 3237, dated the 24th June, 1890 [published in Gazette of India, 1890, Pt. II, p. 428.]*

The Agent to the Governor General and Chief Commissioner is pleased to extend the provisions of section 34 of the Police Act V of 1861,[a] so far as applicable to the bazars at Killa Abdullah and in the Khojak Pass, within the district of Pishin.

### II.—Rules under the Opium Act, 1878.[b]

*No. 1623A, dated 19th April, 1890 [published in Gazette of India, 1890, Pt. II, p. 251.]*

#### Opium Rules applicable to British Baluchistan.

In exercise of the powers conferred by sections 5 and 13 of the Opium Act, I of 1878, the Chief Commissioner of British Baluchistan has made the following rules which have received the sanction of the Governor-General in Council, and are now published as required by the Act.

*Definitions.*

1. In these rules, unless there is something repugnant in the subject or context,—

(1) "Chief Commissioner" means the Chief Commissioner of British Baluchistan:

(2) "Deputy Commissioner" includes an officer authorised by the Deputy Commissioner to exercise all or any of the powers or to perform all or any of the duties conferred or imposed on a Deputy Commissioner by these rules:

(3) "licensed contractor" means a person who has obtained a contract from the Deputy Commissioner under rule 17 for the exclusive right to sell opium by retail:

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[a] Printed, General Acts, 1834—66, Ed. 1877, p. 363.
[b] Printed, General Acts, 1877—81, Ed. 1884, p. 127.

(4) "the sale of opium by retail" means the sale of any quantity of poppy-heads not exceeding one seer or of any quantity of other kinds of opium not exceeding three tolas; any other sale is a wholesale sale:

(5) "opium" has the meaning assigned to it in the Opium Act, I of 1878[a]:

(6) "poppy-heads" means the dry capsules of the poppy plant:

(7) "import," "export" and "transport" have the respective meanings assigned to them in the Opium Act, I of 1878.[a]

*Manufacture.*

2. The manufacture by a licensed contractor of preparations or admixtures of opium for retail sale, or for wholesale sale to another licensed contractor, is permitted.

*Possession.*

3. Any person may have in his possession one seer of poppy-heads and three tolas of any other kind of opium, provided that the same has been purchased from a licensed contractor.

4. The possession of more than one seer of poppy-heads and three tolas of opium by a licensed contractor or by his agent is permitted.

5. With the sanction of the Chief Commissioner, the Deputy Commissioner may specially authorise the possession by any person of a quantity of opium of any kind not exceeding one seer.

*Transport.*

6. The transport of opium by a licensed contractor within the limits of the area for which his contract is granted is permitted. The transport of opium by a licensed contractor beyond those limits is permitted under a pass granted by the Deputy Commissioner.

7. (1) When a licensed contractor desires to transport opium beyond the limits of the area for which his contract is granted, he must obtain for each consignment a pass from the Deputy Commissioner in such form as the Chief Commissioner may from time to time prescribe.

(2) The pass shall specify—

(*a*) the time within which the transport must be effected;

(*b*) the place from which the consignment is to be transported;

(*c*) the name of the person in charge of the consignment;

[a] Printed, General Acts, 1877—81, Ed. 1884, p. 127.

(*d*) the name of the consignee;

(*e*) the number of packages, and the weight and contents of each; and

(*f*) the place to which the consignment is to be transported.

(3) Each package in every such consignment shall be stamped by, or in the presence of, the officer granting the pass, with his official seal.

8. The bulk of a consignment shall not be broken during transport.

9. The Deputy Commissioner may, at his discretion, or under orders from the Chief Commissioner, make it a condition of the pass that the bulk of the consignment for which it is granted shall not be broken after arrival at its destination as specified in the pass, until after the consignment has been examined by an officer deputed or authorised by the Deputy Commissioner for that purpose: Provided that such examination shall be made within seven days from the date on which the Deputy Commissioner is informed of the arrival of the consignment.

10. If any officer competent to exercise the powers of seizure, detention and search conferred by sections 14 and 15 of the Opium Act, I of 1878,* finds that the packages are fewer, or the amount of opium less (by more than the dryage allowance of one-quarter per cent.) than the number or amount specified in the pass, he shall immediately report the circumstances to the Deputy Commissioner, who will decide whether a prosecution shall, or shall not, be instituted.

*Import.*

11. The importation by a licensed contractor of opium brought from British India by rail through territories administered by the Agent to the Governor-General in Baluchistan is permitted, subject to the following conditions:—

(*a*) he must obtain from the Deputy Commissioner a license specifying—

(1) the quantity of opium required;

(2) the source of supply; and

(3) the name of the licensed contractor or his agents; and

(*b*) the opium must be covered by a pass granted by a duly authorised officer of the place from which it is imported.

12. The bulk of a consignment shall not be broken during importation.

13. The Deputy Commissioner may, at his discretion, or under orders from the Chief Commissioner, make it a condition of the license that the bulk of any consignment of opium imported under a pass as above provided shall not be broken after arrival at its destination, until after the consignment has

* Printed, General Acts, 1877—81, Ed. 1884, p. 127.

been examined by an officer deputed or authorised by the Deputy Commissioner for that purpose: Provided that such examination shall be made within seven days from the date on which the Deputy Commissioner is informed of the arrival of the consignment.

14. If any officer competent to exercise the powers of seizure, detention and search conferred by sections 14 and 15 of the Opium Act, I of 1878, finds that the packages are fewer or the amount of opium less (by more than the drysge allowance of one-quarter per cent.) than the number or amount specified in the pass, he shall immediately report the circumstances to the Deputy Commissioner, who will decide whether a prosecution shall, or shall not, be instituted.

*Sale.*

15. The sale of opium is permitted, subject to the following conditions:—

(1) the opium must have been either imported under a license obtained under rule 11 or bought from a licensed contractor;

(2) if the sale is by wholesale, it must, unless it is made by one licensed contractor to another, be made under the special order of the Deputy Commissioner;

(3) if the sale is by retail, it must be made by a licensed contractor or his agent at a shop authorised for that purpose by the Deputy Commissioner.

16. Any shop at which the sale of opium has been authorised may be closed or removed at the discretion of the Deputy Commissioner.

17. Contracts for the exclusive right to sell opium by retail may be granted by the Deputy Commissioner with the previous sanction of the Chief Commissioner. Such contracts shall be put up to auction before the commencement of each official year.

18. Contracts for the exclusive right to sell opium by retail shall be in such form as may from time to time be prescribed by the Chief Commissioner.

19. Contracts for the exclusive right to sell opium by retail shall be granted for one year only, unless the Chief Commissioner shall otherwise specifically direct.

20. If any licensed contractor shall, on the expiry of his contract, have in his possession any opium which he is unable to dispose of to the satisfaction of the Deputy Commissioner by private sale to other licensed contractors, he shall surrender the same to the Deputy Commissioner; and the in-coming licensed contractor, or, if the expired contract is not renewed, any licensed contractor within the district, shall, when required by the Deputy Commissioner,

be bound to purchase the opium aforesaid to the extent of two months' supply, at such price, and in such quantities, as the Deputy Commissioner shall adjudge: Provided that the price of the opium thus adjudged shall in no case exceed the rate at which opium can be procured under a license obtained under rule II: Provided also that, if such opium be declared by the Civil Surgeon or other principal medical officer to be unfit for use, the Deputy Commissioner shall cause the same to be destroyed.

*Import and Export within local limits of contracts of licensed contractors.*

21. When the local area to which the contract of a licensed contractor extends is partly in British Baluchistan and partly in the territories administered by the Agent to the Governor-General in Baluchistan as such Agent, the licensed contractor may import and export opium from one part of such local area to another, and in every such case rules 7 to 10, both inclusive, shall apply.

*Disposal of things confiscated.*

22. Opium confiscated under the Opium Act, I of 1878,[a] shall be examined by the Civil Surgeon or other Principal Medical Officer, and, if declared by him to be fit for use, shall be sent to the nearest Government treasury, and be disposed of as the Deputy Commissioner may direct. If declared to to be unfit for use, it shall be immediately destroyed.

23. All property, other than opium, which is confiscated under the said Act shall be sold under the orders of the Magistrate or other officer by whom the confiscation was adjudged.

*Rewards.*

24. Any Magistrate convicting an offender under section 9, or any Magistrate or other authorised officer ordering the confiscation of opium under section 12 of the Opium Act, I of 1878,[a] may grant a reward not exceeding the value of the opium confiscated, together with the amount of any fine realised, in such proportions as he may think fit, to any person or persons who have contributed to the seizure of the opium or the conviction of the offender.

III.—ORDERS UNDER THE SIND-PISHIN RAILWAY ACT, XI OF 1887.[b]

*No. 209, dated 2nd May, 1890* [*published in Gazette of India, 1890, Pt. I, page 347*].

In exercise of the powers conferred by section 3, sub-sections (*2*) and (*5*), of the Sindh-Pishin Railway Act, XI of 1887,[b] the Governor-General in

[a] Printed, General Acts, 1877-81, Ed. 1884, p. 127.
[b] Printed *supra*, p. 49.

Council is pleased to extend the Indian Railways Act, IX of 1890,* to that part of the Sindh-Pishin Section of the North-Western Railway which lies beyond the province of Sindh, subject to the following modifications, namely :

*Sections 3 (4), 4 (2) (a), 17 (1), 18, 19 (1) (c), 20 (1), 21, 23 (1) and 24 (1).*—The word "public" shall be omitted wherever it occurs before the word "carriage."

*Section 11 (3) (b).*—The word "public" shall be omitted where it occurs before the word "traffic."

*Section 19.*—For clause (*f*) of sub-section (*1*) the following shall be substituted, namely :—

"(*f*) that the rolling-stock and way and works of the railway are suitable for the carriage of passengers ;"

For the first twenty words of sub-section (*2*) the following shall be substituted, namely :—

"If in the opinion of the Inspector the rolling-stock and way and works of the railway are not suitable for the carriage of passengers."

For the last twelve words of sub-section (*3*) the following shall be substituted, namely :—

"the rolling stock and way and works of the railway are suitable for the carriage of passengers."

*Section 21 (a).*—For the words "be attended with danger to the public using the line and works of the diversion" the following shall be substituted, namely :—

"affect the degree of safety under which the railway was first opened for the carriage of passengers."

*Section 23 (1).*—For the words "the use of the railway or of any specified rolling stock will be attended with danger to the public using it" the following words shall be substituted, namely :—

"the railway or any specified rolling stock is not in a fit state for the carriage of passengers."

*Chapter V* shall be omitted.

*Section 66.*—The following words shall be prefixed to this section, namely :—

"Subject to the provisions of section 4, sub-section (*1*), of the Sind-Pishin Railway Act, 1887."

* Published in Gazette of India, 1890, Pt. IV, p. 42.

(*Orders under the Sindh-Pishin Railway Act; Order constituting Districts and Tahsils under the British Baluchistan Laws Regulation.*)

*Section 72.*—The following paragraph shall be added to this section, namely :—

"Special contracts limiting liability in accordance with the provisions of this section may continue to be made notwithstanding any notification issued by the Governor-General in Council under section 5 of the Sind-Pishin Railway Act, XI of 1887.[a]

*No. 210, dated 2nd May, 1890* [*published in Gazette of India, 1890, Pt. I, page 348*].

Under section 5 of the Sind-Pishin Railway Act, XI of 1887,[a] the Governor General in Council is pleased to announce that, subject to the provisions of the Indian Railways Act, IX of 1890,[b] as extended[c] under section 3 of the Sind-Pishin Railway Act, XI of 1887,[a] the Government accepts responsibility,—

(*a*) to the same extent as on State Railways generally, for injury happening to the person, or for loss or damage occurring in respect of animals or goods, on that part of the Sind-Pishin Section of the North-Western Railway which lies between the frontier of the Province of Sind and the Sibi Junction Station, and,

(*b*) to an amount not exceeding in any case one thousand rupees, for injury happening to the person, or for loss or damage occurring in respect of animals or goods comprised in any consignment or consignments despatched by one consignor, or to one consignee by several consignors, and in transit or warehoused, on any part of the Sind-Pishin Section of the North-Western Railway, other than the part specified in clause (*a*) of this notification, which may be, from time to time, open for traffic.

## IV.—ORDER CONSTITUTING DISTRICTS AND TAHSILS UNDER THE BRITISH BALUCHISTAN LAWS REGULATION, 1890.

*No. 284-C., dated 19th April, 1890* [*published in Gazette of India, 1890, Part II, page 186*].

IN exercise of the powers conferred by section 2 of the British Baluchistan

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[a] Printed *supra*, p 49.
[b] Published in Gazette of India, 1890, Part IV, p. 42.
[c] See Notification No. 209, dated 2nd May, 1890, *supra*, p. 122.

*(Orders under the Code of Criminal Procedure as applied by the British Baluchistan Criminal Justice Regulation.)*

Laws Regulation, 1890, the Chief Commissioner of British Baluchistan is pleased to divide British Baluchistan into two districts, namely :—

The Pishin District, and

The Thal Chotiali District,

and the abovenamed districts into tahsils, namely :—

| Districts. | Tahsils. |
|---|---|
| Pishin | Pishin. |
| Thal Chotiali | (1) Sibi.<br>(2) Shahrig.*<br>(3) Duki. |

V.—Orders under the Code of Criminal Procedure as applied by the British Baluchistan Criminal Justice Regulation, 1890.

*No. 285-C.,* dated 19th April, 1890 [*published in Gazette of India, 1890, Part II, page 187*].

By direction of the Governor General in Council, and in exercise of powers conferred on the Local Government by the Code of Criminal Procedure, 1882, as applied to British Baluchistan, and by the British Baluchistan Civil Justice Regulation, 1890, the Chief Commissioner is pleased to issue the following orders :—

(1) Each of the districts specified in Notification No. 284-C. of this date shall be a district for the purposes of the Code of Criminal Procedure, 1882, as applied to British Baluchistan, and shall be the area subject to the jurisdiction of the Court of a Deputy Commissioner for the purposes of the British Baluchistan Civil Justice Regulation, 1890.

(2) The person for the time being appointed by the Governor General in Council to hold the office of Deputy Commissioner in each of these districts shall be a Magistrate of the first class and the District Magistrate for the purposes of the Code of Criminal Procedure, 1882, as applied to British Baluchistan.

*No. 288-C., dated 19th April, 1890* [*published in Gazette of India, 1890, Part II, page 187*].

In exercise of the powers conferred on the Local Government by section 8 of the Code of Criminal Procedure, 1882, as applied to British Baluchistan, the

* As amended by Notification No. 3230, dated the 24th June, 1890, printed *infra*, p 129.

ADDENDUM to page 125.

*Additional order under the Code of Criminal Procedure as applied by the British Baluchistan Criminal Justice Regulation, 1890.*

*No. 610 F. C., dated July, 1890 [published in Gazette of India, 1890, Pt. II, page 498].*

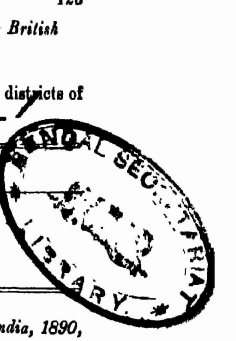
In exercise of the powers conferred on the Local Government by section 12 of the Code of Criminal Procedure, 1882, as applied to British Baluchistan, the Chief Commissioner of British Baluchistan is pleased to appoint the person for the time being holding the office specified in the first column of the annexed table to be a Magistrate of the class specified opposite that office in the second column of that table in the local area specified opposite that office in the third column of that table:—

| 1 | 2 | 3 |
|---|---|---|
| Office. | Class. | Local area. |
| The office of Native Assistant to the Governor General's Agent, Khojak Pass. | 2nd Class. | The Pishin Sub-division. |

*(Order under the Code of Criminal Procedure as applied by the British Baluchistan Criminal Justice Regulation.)*

Chief Commissioner of British Baluchistan is pleased to divide the districts of Pishin and Thal-Chotiali into the following subdivisions, namely :—

| District. | Subdivision. |
|---|---|
| The Pishin District | The Pishin Subdivision. |
| The Thal Chotiali District | (1) The Sibi Subdivision.<br>(2) The Shahrig* Subdivision.<br>(3) The Duki Subdivision. |



*No. 289-C., dated 19th April, 1890 [published in Gazette of India, 1890, Part II, page 187].*

In exercise of the powers conferred on the Local Government by section 12 of the Code of Criminal Procedure, 1882, as applied to British Baluchistan, the Chief Commissioner of British Baluchistan is pleased to appoint the persons for the time being holding the offices specified in the first column of the annexed table to be Magistrates of the class specified opposite those offices in the second column of that table in the local areas specified opposite to those offices in the third column of that table, respectively :—

| I. Offices. | II. Classes. | III. Local areas. |
|---|---|---|
| The Office of Assistant Commissioner of Pishin. | First class . | The Pishin District. |
| The Office of Extra Assistant Commissioner of Pishin. | Ditto . . | Ditto ditto. |
| The Office of Assistant Commissioner of Thal Chotiali. | Ditto . . | The Thal Chotiali District. |
| The Office of Extra Assistant Commissioner of Sibi and Shahrig.* | Ditto . . | The Sibi and Shahrig* Subdivisions. |
| The Office of Extra Assistant Commissioner of Duki. | Ditto . . | The Duki Subdivision. |
| The Office of Tahsildár of Pishin . | Second class . | The Pishin Subdivision. |
| The Office of Tahsildár of Sibi . . | Ditto . | The Sibi Subdivision. |
| The Office of Munsif of Sibi . . | Ditto . . | The Sibi and Harnai Subdivisions. |
| The Office of Tahsildár of Harnai . | Ditto . . | The Harnai Subdivision. |
| The Office of Naib Tahsildár of Duki . | Ditto . . | The Duki Subdivision. |
| The Office of Naib Tahsildár of Pishin . | Third class . | The Pishin Subdivision. |
| The Office of Naib Tahsildár of Sibi . | Ditto . . | The Sibi Subdivision. |

* As amended by Notification No. 3280, dated the 24th June, 1890, printed *infra*, p. 129.

*No. 3615, dated the 11th July, 1890 [published in Gazette of India, 1890, Pt. II, p. 457].*

In exercise of the powers conferred on the Local Government by section 407 of the Code of Criminal Procedure, 1882, as applied to British Baluchistan, the Chief Commissioner of British Baluchistan is pleased to empower the persons for the time being holding the offices specified in the first column of the annexed table to hear appeals from the decisions of any second or third Class Magistrate, exercising jurisdiction within the local areas specified opposite those offices in the second column of that table, respectively :—

| I.—Offices. | II.—Local areas. |
|---|---|
| The office of Assistant Commissioner and 1st Class Magistrate, Pishin. | The Pishin Subdivision. |
| The office of Assistant Commissioner and 1st Class Magistrate, Thal Chotiali. | The Thal Chotiali District. |
| The office of Extra Assistant Commissioner and 1st Class Magistrate, Sibi and Shahrig. | The Sibi and Shahrig Subdivision. |
| The office of Extra Assistant Commissioner and 1st Class Magistrate, Duki. | The Duki Subdivision. |

## VI.—ORDERS UNDER THE BRITISH BALUCHISTAN CIVIL JUSTICE REGULATION, 1890.

*Notification No. 285-C., dated 19th April, 1890 [published in Gazette of India, 1890, Part II, page 187].*

By direction of the Governor General in Council, and in exercise of powers conferred on the Local Government by the Code of Criminal Procedure, 1882, as applied to British Baluchistan, and by the British Baluchistan Civil Justice Regulation, 1890, the Chief Commissioner is pleased to issue the following orders :—

(1) Each of the districts specified in Notification No. 284-C. of this date shall be a district for the purposes of the Code of Criminal Procedure, 1882, as applied to British Baluchistan, and shall be the area subject to the jurisdiction of the Court of a Deputy Commissioner for the purposes of the British Baluchistan Civil Justice Regulation, 1890.

(2) The person for the time being appointed by the Governor General in Council to hold the Office of Deputy Commissioner in each of these

* As amended by Notification No. 3230, dated the 24th June, 1890, printed *infra*, p. 129.

districts shall be a Magistrate of the first class and the District Magistrate for the purposes of the Code of Criminal Procedure, 1882, as applied to British Baluchistan.

*Notification No. 286-C., dated 19th April, 1890 [published in Gazette of India, 1890, Part II, page 187].*

In exercise of the powers conferred by sections 4 and 5 of the British Baluchistan Civil Justice Regulation, 1890, the Chief Commissioner, with the previous sanction of the Governor General in Council, is pleased to constitute the undermentioned Courts, and to fix the local limits of the jurisdiction of each such Court, as follows :—

| Name of Court. | Local limits of jurisdiction. |
|---|---|
| *I.—Courts of the Assistant Commissioners and Extra Assistant Commissioners.* | |
| The Court of the Assistant Commissioner of Pishin. | The Pishin District. |
| The Court of the Assistant Commissioner of Thal Chotiali. | The Thal Chotiali District. |
| The Court of the Extra Assistant Commissioner of Pishin. | The Pishin District. |
| The Court of the Extra Assistant Commissioner of Sibi and Shahrig.* | The Sibi and Shahrig* Tahsils. |
| The Court of the Extra Assistant Commissioner of Duki. | The Duki Tahsil. |
| *II.—Courts of the Tahsildars and Munsifs.* | |
| The Court of the Tahsildár of Pishin . . | The Pishin Tahsil. |
| The Court of the Tahsildár of Sibi . . | The Sibi Tahsil. |
| The Court of the Tahsildár of Shahrig* . | The Shahrig* Tahsil. |
| The Court of the Munsif of Sibi . . | The Sibi and Shahrig* Tahsils. |
| The Court of the Munsif of Duki . . | The Duki Tahsil. |
| *III.—Courts of the Naib Tahsildárs.* | |
| The Court of the Naib Tahsildár of Pishin . | The Pishin Tahsil. |
| The Court of the Naib Tahsildár of Sibi . | The Sibi Tahsil. |

* As amended by Notification No. 3230, dated the 24th June, 1890, printed *infra*, p. 129.

*(Orders under the British Baluchistan Civil Justice Regulation.)*

*Notification No. 816-E., dated 19th April, 1890 [published in Gazette of India, 1890, Part I, page 248].*

In exercise of the powers conferred by section 3, sub-section (*1*), of the British Baluchistan Civil Justice Regulation, 1890, the Governor General in Council is pleased to appoint the persons for the time being holding the offices specified in the first column of the annexed table to be the presiding officers of the Courts specified opposite those offices in the second column of that table, respectively :

| Offices. | Courts. |
|---|---|
| The Office of Chief Commissioner of British Baluchistan. | The Court of the Chief Commissioner. |
| The Office of Deputy Commissioner of Pishin. | The Court of the Deputy Commissioner of Pishin. |
| The Office of Deputy Commissioner of Thal Chotiali. | The Court of the Deputy Commissioner of Thal Chotiali. |
| The Office of Assistant Commissioner of Pishin. | The Court of the Assistant Commissioner of Pishin. |
| The Office of Assistant Commissioner of Thal Chotiali. | The Court of the Assistant Commissioner of Thal Chotiali. |
| The Office of Extra Assistant Commissioner of Pishin. | The Court of the Extra Assistant Commissioner of Pishin. |
| The Office of Extra Assistant Commissioner of Sibi. | The Court of the Extra Assistant Commissioner of Sibi. |
| The Office of Extra Assistant Commissioner of Duki. | The Court of the Extra Assistant Commissioner of Duki. |

*Notification No. 287-C., dated 19th April, 1890 [published in Gazette of India, 1890, Part II, page 187].*

In exercise of the powers conferred by section 3, sub-section (*2*), of the British Baluchistan Civil Justice Regulation, 1890, the Chief Commissioner is pleased to appoint the persons for the time being holding the offices specified in the first column of the annexed table to be the presiding officers of the

## ADDENDA to page 129.

*Additional orders under the British Baluchistan Civil Justice Regulation.*

*No. 608 F. C., dated July, 1890 [published in Gazette of India, 1890, Pt. II, page 497].*

In exercise of the powers conferred by sections 4 and 5 of the British Baluchistan Civil Justice Regulation, 1890, the Chief Commissioner, with the previous sanction of the Governor General in Council, is pleased to constitute the undermentioned Court and to fix the limits of its local jurisdiction as follows:—

| Name of Court. | Local limits of jurisdiction. |
|---|---|
| The Court of the Munsif of the Khojak. | The Pishin Tahsil. |

*No. 609 F. C., dated July, 1890 [published in Gazette of India, 1890, Pt. II, page 497].*

In exercise of the powers conferred by section 3, sub-section (*2*), of the British Baluchistan Civil Justice Regulation, 1890, the Chief Commissioner is pleased to appoint the person for the time being holding the office specified in the first column of the annexed table to be the presiding officer of the Court specified opposite that office in the second column of that table:—

| Office. | Court. |
|---|---|
| The office of Native Assistant to the Governor General's Agent, Khojak Pass. | The Court of the Munsif of the Khojak. |

*No. 611 F. C., dated July, 1890 [published in Gazette of India, 1890, Pt. II, page 498]*

In exercise of the powers conferred by section 6 (*b*) of the British Baluchistan Civil Justice Regulation, 1890, the Chief Commissioner of British Baluchistan is pleased to direct that Moulvi Abdul Rahim, Native Assistant to the Governor General's Agent and Munsif of the Khojak, shall exercise jurisdiction in original suits of value not exceeding five hundred rupees.

Courts specified opposite those offices in the second column of that table respectively :—

| Offices. | Courts. |
|---|---|
| The Office of Tahsíldár of Pishin . . . | The Court of the Tahsíldár of Pishin. |
| The Office of Tahsíldár of Sibi . . . | The Court of the Tahsíldár of Sibi. |
| The Office of Tahsíldár of Shahrig* . . | The Court of the Tahsíldár of Shahrig. |
| The Office of Munsif of Sibi . . . | The Court of the Munsif of Sibi. |
| The Office of Naib Tahsíldár of Pishin . . | The Court of the Naib Tahsíldár of Pishin. |
| The Office of Naib Tahsíldár of Sibi . . | The Court of the Naib Tahsíldár of Sibi. |
| The Office of Naib Tahsíldár of Duki . . | The Court of the Munsif of Duki. |

## VII.—ORDER MODIFYING CERTAIN PREVIOUS ORDERS.

*No. 3230, dated the 24th June, 1890* [*published in Gazette of India, 1890, Pt. II, p. 426.*]

*Erratum.*—In Notifications Nos. 284-C., 286-C., 287-C., 288-C., and 289-C., dated the 19th April, 1890, for "Harnai" read "Shahrig."

* As amended by Notification No. 3230, dated the 24th June, 1890, printed on p. 129.

# THE BALUCHISTAN CODE.

## PART II.

## LOCAL ENACTMENTS IN FORCE IN THE BALUCHISTAN AGENCY TERRITORIES.

### A.—BENGAL REGULATIONS APPLIED TO THE AGENCY TERRITORIES.

#### BENGAL REGULATION XI OF 1812.

*Passed on the 18th July, 1812.*

A Regulation to empower the Governor General in Council to order the removal of emigrants from foreign countries, and their descendants, from any place in the vicinity of the frontier of the State from which they may have emigrated; and, in certain cases, to place and detain any such person in safe custody; and likewise to provide for the trial of emigrants and their descendants who may excite disturbances in the countries from which they may have emigrated, and of persons aiding them in the prosecution of such attempts.

(Printed *supra*, p. 1.)

#### BENGAL REGULATION III OF 1818.

*Passed on the 7th April, 1818.*

A Regulation for the confinement of State prisoners.

(Printed *supra*, p. 4.)

## B.—LOCAL ACTS OF THE GOVERNOR GENERAL IN COUNCIL APPLIED TO THE AGENCY TERRITORIES.

### ACT No. III OF 1867.

*Received the Governor General's assent on the 25th January, 1867.*

An Act to provide for the punishment of Public Gambling and the keeping of common gaming-houses in the North-Western Provinces of the Presidency of Fort William, and in the Punjab, Oudh, the Central Provinces and Lower Burma.

(Printed *supra*, p. 8.)

### ACT No. XXIII of 1867.

*Received the Governor General's assent on the 18th March, 1867.*

An Act for the Suppression of Murderous Outrages in certain districts of the territories administered by the Agent to the Governor General in Baluchistan as such Agent.

(Printed, with modifications affecting Agency territories specified in footnotes, *supra*, p. 13.)

### ACT No. XXVI OF 1870.

*Received the Governor General's assent on the 3rd October, 1870.*

An Act to amend the Law relating to Prisons.

(Printed *supra*, p. 19.)

### ACT No. XXII OF 1881.

*Received the Governor General's assent on the 26th October, 1881.*

An Act to amend the Law relating to the Excise-revenue in Northern India, Lower Burma and Coorg.

(Printed *supra*, p. 34.)

### ACT No. XI OF 1887.

*Received the Governor General's assent on the 25th February, 1887.*

An Act to provide for the Regulation of Traffic on the Sind-Pishin Section of the North-Western Railway.

(Printed *supra*, p. 49.)

## C.—REGULATIONS MADE UNDER 33 VICT., C. 3, APPLIED TO THE AGENCY TERRITORIES.

### REGULATION No. IV OF 1887.

*Received the Governor General's assent on the 14th January, 1887; published in the Gazette of India, 1887, Pt. I, p. 25; and in the Punjab Gazette, 1887, Pt. II, p. 15.*

**A Regulation for the Suppression of Crime on the Punjab Frontier.**

(Printed, with modifications affecting the Agency territories specified in foot-notes, *supra*, p. 53.)

### REGULATION No. IX OF 1887.

(*Received the Governor General's assent on the 18th August, 1887; published in the Gazette of India, 1887, Pt. I, p. 427; and in the Burma Gazette, 1887, Pt. II, p. 267.*)

**The Baluchistan Agency Frontier Crossing and Disturbed Districts Regulation.**

(Printed, with modifications affecting the Agency territories specified in foot-notes, *supra*, p. 67.)

## D.—LOCAL LAWS MADE BY THE GOVERNOR GENERAL IN COUNCIL FOR THE AGENCY TERRITORIES.

### THE QUETTA HACKNEY CARRIAGE LAW, 1889.[a]

*Published by Notification No. 984 (A) E., dated 18th May, 1889 (see Gazette of India, 1889, Part I, p. 297).*

In exercise of the powers conferred by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act, XXI of 1879,[b] and of all other powers enabling him in this behalf, the Governor General in Council is pleased to make the following Law for the regulation and control of hackney carriages in the district, including the cantonment and town, of Quetta:

Short title, local extent, and commencement.

1. (*1*) This Law may be called the Quetta Hackney Carriage Law, 1889.

(*2*) It extends to the district, including the cantonment and town, of Quetta; and

(*3*) It shall come into force at once.

Definition of hackney carriage.

2. In this Law "hackney carriage" means any wheeled vehicle drawn by animals and used for the conveyance of passengers, which is kept, or offered, or plies for hire.

Power to Agent to the Governor General in Baluchistan to make rules.

3. (*1*) The Agent to the Governor General in Baluchistan may, from time to time, make rules for the regulation and control of hackney carriages within the limits of the district, including the cantonment and town, of Quetta.

(*2*) Every rule made under this section shall, when published for such time and in such manner as the Agent to the Governor General may, from time to time, prescribe, have the force of law:

Provided that the Governor General in Council may, at any time, rescind any such rule.

What rules may provide for.

4. The rules to be made under section 3 may, among other matters,—

(*a*) direct that no hackney carriage, or no hackney carriage of a particular description, shall be let to hire, or taken to ply, or offered for hire, except under a license granted in that behalf;

(*b*) direct that no person shall act as driver of a hackney carriage except under a license granted in that behalf;

[a] This Law, which was made before the enactment of the Baluchistan Agency Laws Law, 1890, has been validated and continued in force by s. 8 of that Law as amended by the Baluchistan Agency Forest Law, 1890, s. 47, printed *infra*, p. 183.

[b] Printed, General Acts, 1877—81, Ed. 1894, p. 358.

(*c*) provide for the issue of the licenses referred to in clauses (*a*) and (*b*), prescribe the conditions (if any) on which such licenses shall be granted, and fix the fees (if any) to be paid therefor;

(*d*) regulate the description of animals, harness and other things to be used with licensed carriages, and the condition in which such carriages, and the animals, harness and other things used therewith, shall be kept, and the lights (if any) to be carried after sunset and before sunrise;

(*e*) provide for the inspection of such carriages, animals and harness, and also provide for the inspection of the premises on which any such carriages, animals, harness and other things are kept;

(*f*) fix the time for which such licenses shall continue in force, and the events (if any) upon which within that time they shall be subject to revocation or suspension;

(*g*) provide for the numbering of such carriages;

(*h*) determine the times at which, and the circumstances in which, any person keeping a hackney carriage shall be bound to let or refuse to let the carriage to any person requiring the same;

(*i*) appoint places as stands for hackney carriages, and prohibit such carriages waiting for hire except at such places;

(*j*) limit the rates or fares, as well for time as distance, which may be demanded for the hire of any hackney carriage, and prescribe the minimum speed at which such carriages when hired by time shall be driven;

(*k*) limit the number of persons, and the weight of property, which may be conveyed by any such carriage;

(*l*) require the owner or person in charge of any such carriage to keep a printed list of fares in English and such other language as may be prescribed, affixed inside such carriage in such place as may be determined by the rules, and prohibit the destruction or defacement of such list;

(*m*) require drivers to wear a numbered badge or ticket (or a certain uniform) and to produce their licenses when required by a Magistrate or other person authorized by the rules in this behalf, and prohibit the transfer or lending of such licenses, badges, tickets or uniform; and

(*n*) provide for the deposit of property found in such carriages, and the payment of a fee by the owner of such property on the delivery thereof to him.

Penalty for breach of rules.

5. Any person breaking any rule made under this Law will be punished with fine which may extend to fifty rupees.

Disposal of fees.

6. The amount of any fees received and the amount of any expenses incurred in giving effect to this law shall be credited and debited respectively in such proportions as the Agent to the Governor General may, from time to time, direct to the Quetta Town Fund and to the Quetta Cantonment Fund.

Power of Magistrate to decides disputes regarding fares.

7. (*1*) If any dispute arises between the hirer of any hackney carriage and the owner or driver of such carriage as to the amount of the fare payable by such hirer under any rule made under this law, such dispute shall, upon application made in that behalf by either of the disputing parties, be heard and determined by any Magistrate within the local limits of whose jurisdiction such dispute has arisen; and such Magistrate may, besides determining the amount so in dispute, direct that either party shall pay to the other such sum as compensation for loss of time as such Magistrate thinks fit.

(*2*) Any sum determined to be due or directed to be paid under this section shall be recoverable under the provisions of the Code of Criminal Procedure, 1882,[a] as if it were a fine. X of 1882.

(*3*) The decision of any Magistrate in any case under this section shall be final.

In case of dispute, hirer may require driver to take him to Court.

8. (*1*) If at the time of any dispute mentioned in section 7 any Magistrate having jurisdiction in respect of such dispute is sitting, the hirer of the carriage may require the driver thereof to take him in the same to the Court of such Magistrate for the purpose of making an application under that section.

(*2*) Any driver neglecting or refusing to comply with such requisition shall be punished with imprisonment for a term which may extend to one month, or with fine not exceeding fifty rupees, or with both.

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## THE BALUCHISTAN AGENCY LAWS LAW, 1890.

### CONTENTS.

SECTIONS.

1. Title and commencement.
2. Definitions.
3. Division of Baluchistan Agency into districts and tahsils.
4. Law in force in Baluchistan Agency.
5. Modification of certain enactments in force in Baluchistan Agency.

[a] For Act X of 1882, as modified up to 15th December, 1888, see the revised edition published by the Legislative Department.

SECTIONS.

6. Power to construe enactments with necessary alterations.
7. Validation of acts done after 1st January, 1876.
8. Validation of rules made before commencement of this Law.

THE SCHEDULE.—ENACTMENTS TO BE DEEMED IN FORCE IN THE BALUCHISTAN AGENCY.

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## THE BALUCHISTAN AGENCY LAWS LAW, 1890.

(*Published by Foreign Department Notification No. 255 E., dated the 31st January 1890, in Gazette of India, 1890, Pt. I, p. 77.*)

### A Law to declare the law in force in the territories administered by the Agent to the Governor General in Baluchistan.

WHEREAS it is expedient to declare the law in force in the territories administered by the Agent to the Governor General in Baluchistan as such Agent; It is hereby enacted as follows:—

Title and commencement.

1. (*1*) This Law may be called the Baluchistan Agency Laws Law, 1890; and

(*2*) It shall come into force on such day[a] as the Agent to the Governor General in Baluchistan may, by notification in the Gazette of India, appoint in this behalf.

Definitions.

2. In this Law—

(*1*) the expression "Agent to the Governor General" means the Agent to the Governor General in Baluchistan; and

(*2*) the expression "the said territories" means the territories for the time being administered by the Agent to the Governor General in Baluchistan as such Agent.

Division of Baluchistan Agency into districts and tahsíls.

3. The Agent to the Governor General, with the previous sanction of the Governor General in Council, may, for administrative purposes, divide[b] the said territories into districts, and each of those districts into tahsíls, and vary the limits of those districts and tahsíls.

Law in force in Baluchistan Agency.

4. (*1*) So much of each of the enactments specified in the schedule as is at the commencement of this Law in force in the local area to which the enactment generally extends shall, in the form in which, as amended by subsequent enactments, if any, it is so in force, be deemed to be in force in the said territories or in the part thereof specified in the enactment as its local extent.

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[a] The 19th April, 1890—see Gazette of India, 1890, Pt. II, p. 161.
[b] For divisions notified under s. 3, see Appendix, *infra*.

(*2*) An enactment not comprised in the schedule shall not be deemed to be, or to have been, in force in the said territories or in any part thereof unless it is expressed, by special mention of the said territories or a part thereof, to apply thereto, or after the commencement of this Law is applied thereto in exercise of the powers of the Governor General in Council in that behalf.[a]

Modification of certain enactments in force in Baluchistan Agency.

5. The following enactments specified in the schedule shall in the said territories be read subject to the following modifications, namely:—

(*1*) Act XXIII of 1867[b] (*an Act for the suppression of murderous outrages in certain districts of the Punjab*) shall be read as if references to the Punjab and the Lieutenant-Governor of the Punjab were references to the said territories and to the Agent to the Governor General, respectively;

(*2*) the Indian Evidence Act, 1872,[c] shall be read as if after the words "police-officer" in section 25 the words "who is not a Magistrate" were inserted; I of 1872.

(*3*) the provisions of the Indian Stamp Act, 1879,[c] with respect to the consequences of instruments not being duly stamped, shall be read as not applying to any instrument which may have been executed in the said territories before the commencement of this Law; I of 1879.

(*4*) the Punjab Frontier Crimes Regulation, 1887,[c] shall be read as if references to the Commissioner were references to the Agent to the Governor General; IV of 1887.

(*5*) the Upper Burma Frontier Crossing and Disturbed Districts Regulation, 1887,[f] shall be read as if the expressions "or Shan States", "except the Shan States" and "or Shan State" were omitted therefrom, and the references therein to Upper Burma and the districts mentioned in section 2, sub-section (*2*), and to the Commissioner, shall be read as references to the said territories and to the Agent to the Governor General, respectively. IX of 1887.

[g](*6*) The Cantonments Act, 1889,[h] shall be read as if after the words "territories administered by such Government" each time they occur in section 17 the words "or in British India" were added, and as if sub-section (*1*) of section 27 were omitted from the Act. XIII of 1889.

Power to

6. (*1*) A Court may, for the purpose of facilitating the application of any

[a] For enactments so applied, see Acts I, VI, VIII and IX of 1890, in Chronological Table, *supra*, p. 19. For local laws made for the Agency Territories, see Chronological Table, *supra*, p. 21, head B.

[b] Printed *supra*, p. 13.

[c] Printed General Acts, 1867—1876, Ed. 1887, p. 249.

[d] Printed General Acts, 1877—1881, Ed. 1884, p. 266.

[e] Printed *supra*, p. 53.

[f] Printed *supra*, p. 67.

[g] Cl. (*6*) of s. 5 was added by the Baluchistán Agency Forest Law, 1890, s. 46, printed *infra*, p. 183.

[h] Published in Gazette of India, 1889, Pt. IV p. 86.

enactment for the time being in force in the said territories, construe the enactment with such alterations not affecting the substance as may be necessary or proper to adapt it to the matter before the Court; and

construe enactments with necessary alterations.

(2) The expression "Local Government" in any such enactment shall, in relation to the said territories, be construed to mean the Agent to the Governor General.

**7.** All acts of executive authority, proceedings, decrees and sentences which have been done, taken or passed in the said territories since the first day of January, 1876, and before the commencement of this Law, by any officer of the Government or by any person acting under his authority or otherwise in pursuance of an order of the Government, or which have been or shall be ratified by the Governor General in Council, shall be as valid and operative as if they had been done, taken or passed in accordance with law; and no suit or other proceeding shall be maintained or continued against any person whatever on the ground that any such acts, proceedings, decrees or sentences were not done, taken or passed in accordance with law.

Validation of acts done after 1st January, 1876.

**8.** All rules, orders or instructions made or issued after the first day of January, 1876, and before the commencement of this Law, for the guidance of officers engaged in the administration of the said territories,[a] including the Quetta Hackney Carriage Law, 1889, published in the notification of the Foreign Department No. 984 (A) E., dated the 18th May, 1889,[a] shall be deemed to have had the force of law, and shall, so far as they are consistent with this Law, have the force of law until they are withdrawn by the Governor General in Council or are superseded by any enactment applied or applicable to the said territories, or by any rules, orders or instructions made or issued under any such enactment or otherwise.

Validation of rules made before commencement of this Law.

## THE SCHEDULE.[b]

(*See section 4.*)

ENACTMENTS TO BE DEEMED IN FORCE IN THE BALUCHISTAN AGENCY.

| Number and year. | Subject. |
|---|---|
| BENGAL REGULATIONS. | |
| XI of 1812 | Removal of Foreign Emigrants. |
| III of 1818 | State Prisoners. |

[a] These words were inserted by the Baluchistan Agency Forest Law, 1890, s. 47, printed *infra*, p. 183.

[b] See Chronological Table, *supra*, pp. 15-21.

## THE SCHEDULE—*contd.*

| Number and year. | Subject. |
|---|---|
| **ACTS OF THE GOVERNOR GENERAL IN COUNCIL.** | |
| V of 1843 | Slavery. |
| XVIII of 1850 | Protection of Judicial Officers. |
| XXXIV of 1850 | State Prisoners. |
| XXIV of 1855 | Penal Servitude. |
| XI of 1857 | State Offences. |
| III of 1858 (s. 5) | State Prisoners. |
| XXXV of 1858 | Lunatics. |
| XXXVI of 1858 | Lunatic Asylums. |
| IX of 1859 (except the last paragraph of s. 18) | Forfeited Property. |
| IX of 1860 | Disputes between Workmen and Employers. |
| XLV of 1860 | Penal Code. |
| V of 1861 | Police. |
| III of 1864 | Foreigners. |
| VI of 1864 | Whipping. |
| X of 1865 | Succession. |
| XIV of 1866 | Post Office. |
| III of 1867 | Gambling. |
| XXIII of 1867 (the preamble and sections 2 to 15, both inclusive). | Murderous Outrages. |
| I of 1868 | General Clauses. |
| IV of 1869 | Divorce. |
| V of 1869 | Indian Articles of War. |
| XV of 1869 | Prisoners' Testimony. |
| XX of 1869 | Volunteers. |
| VII of 1870 | Court-fees. |
| X of 1870 | Land-acquisition. |
| XXIII of 1870 | Coinage. |
| XXVI of 1870 | Prisons. |
| I of 1871 | Cattle-trespass. |
| V of 1871 | Prisoners. |
| XXIII of 1871 | Pensions. |
| I of 1872 | Evidence. |
| III of 1872 | Marriage. |
| IX of 1872 | Contract. |
| XV of 1872 | Christian Marriage. |
| X of 1873 | Oaths. |
| XIV of 1873 | Lunatic Soldiers. |
| II of 1874 | Administrator General. |
| IV of 1874 | Foreign Recruiting. |
| IX of 1874 | European Vagrancy. |
| V of 1875 | Native Soldiers. |
| I of 1877 (s. 9) | Specific Relief. |
| III of 1877 | Registration. |
| XI of 1877 | Military Lunatics. |
| XV of 1877 | Limitation. |
| I of 1878 | Opium. |
| I of 1879 | Stamps. |
| IV of 1879 (subject to the provisions of the Sindh-Pishin Railway Act, 1887, as applied to the said territories). | Railways. |

## THE SCHEDULE—*contd.*

| Number and year. | Subject. |
|---|---|
| ACTS OF THE GOVERNOR GENERAL IN COUNCIL—*concluded.* | |
| XXI of 1879 | Extradition. |
| V of 1881 | Probate and Administration. |
| XXII of 1881 | Excise. |
| X of 1882 (subject to the modifications set forth in the schedule to the Baluchistan Agency Criminal Justice Law, 1890). | Code of Criminal Procedure, 1882. |
| XII of 1882 | Salt. |
| XIV of 1882 | Code of Civil Procedure. |
| The following portions, namely :— | |
| (1) Sections 15—24, both inclusive (Place of suing); | |
| (2) Sections 223—229B, both inclusive (Court by which Decrees may be executed); | |
| (3) Section 266 (Attachment of Property); | |
| (4) Sections 320—326, both inclusive (Restrictions on sale of Land); | |
| (5) Sections 344—360, both inclusive (Insolvent Judgment-debtors); | |
| (6) Sections 383—400, both inclusive (Commissions); | |
| (7) Sections 401—415, both inclusive, and 592 and 593 (Pauper Suits and Appeals); | |
| (8) Sections 416—429, both inclusive (Suits by or against Government or Public Officers); | |
| (9) Sections 465—468, both inclusive (Suits by and against Military Men); | |
| (10) Sections 477—485, both inclusive, and 488, 490 and 491 (Arrest and Attachment before Judgment); | |
| (11) Sections 527—530, both inclusive, and the second paragraph of section 531 (Proceedings on Agreement of Parties); and | |
| (12) Such portions as are referred to in, and affected by, the Debtors Act, 1888, and can be made applicable to proceedings under the Baluchistan Agency Civil Justice Law, 1890. | |
| XX of 1882 | Paper Currency. |
| XIII of 1885 | Telegraphs. |
| VI of 1886 | Births, Deaths and Marriages Registration. |
| I of 1887 | General Clauses. |
| VII of 1887 | Suits Valuation. |
| IX of 1887 | Provincial Small Cause Courts. |
| XI of 1887 | Sindh-Pishin Railway. |
| III of 1888 | Police. |
| IV of 1888 | Indian Reserve Forces. |
| V of 1888 | Inventions and Designs. |
| VI of 1888 (ss. 2 to 8, both inclusive) | Debtors. |
| VII of 1889 | Succession Certificates. |
| XIII of 1889 | Cantonments. |
| XV of 1889 | Official Secrets. |

THE SCHEDULE—*contd.*

| Number and year. | Subject. |
|---|---|
| REGULATIONS UNDER 33 VICT., c. 3.* | |
| IV of 1887 (ss. 3 to 48, both inclusive, and 50 to 54, both inclusive). | Punjab Frontier Crimes. |
| IX of 1887 . . . . . | Upper Burma Frontier Crossing and Disturbed Districts. |

# THE BALUCHISTAN AGENCY CRIMINAL JUSTICE LAW, 1890.

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9. State offences and false evidence by person to whom pardon has been tendered.
10. Tender of pardon.
11. Recording of evidence.
12. Execution of sentence of imprisonment for six months or less.
13. Appeal to High Court and limitation therefor.
14. Restrictions on appeal.

* A further portion of the schedule relating to "Other Laws made by the Governor General in Council" has been omitted—see the Baluchistan Agency Forest Law, 1890, s. 46, *infra*, p. 183.

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15. Enhancement of punishment on appeal.
16. Contempt and offences against public justice or relating to documents.
17. Conduct of prosecutions.
18. Adjournment on application for transfer of case.
19. Orders not reversible on technical grounds alone.
20. Process and copying fees, and admission of pleaders and petition-writers.
21. Saving of provisions relating to European British subjects.

## THE BALUCHISTAN AGENCY CRIMINAL JUSTICE LAW, 1890.

*Published by Foreign Department Notification No. 255E., dated the 31st January, 1890, in Gazette of India, 1890, Pt. I, p. 79.*

**A Law to provide for the Administration of Criminal Justice in the territories administered by the Agent to the Governor General in Baluchistan.**

WHEREAS it is expedient to provide for the administration of criminal justice in the territories administered by the Agent to the Governor General in Baluchistan as such Agent; It is hereby enacted as follows:—

Title and commencement.

1. (*1*) This Law may be called the Baluchistan Agency Criminal Justice Law, 1890; and

(*2*) It shall come into force on such day[a] as the Agent to the Governor General in Baluchistan may, by notification in the Gazette of India, appoint in this behalf.

Definitions.

2. In this Law—

(*1*) the expression "Agent to the Governor General" means the Agent to the Governor General in Baluchistan; and

(*2*) the expression "the said territories" means the territories for the time being administered by the Agent to the Governor General in Baluchistan as such Agent.

Application of the Code of Criminal Procedure.

3. Subject to the modifications set forth in the schedule, the Code of Criminal Procedure, 1882,[b] as amended by Acts III of 1884, X of 1886, V and XIV of 1887 and I of 1889 (which Code as so amended is in this Law referred to as "the Code"), shall apply to the whole of the said territories, so far as it can be made applicable in the circumstances for the time being.

X of 1882.

[a] The 19th April, 1890—see Gazette of India, 1890, Part II, p. 161.

[b] For Act X of 1882, as modified up to the 15th December, 1888, see the revised edition published by the Legislative Department.

## SCHEDULE.

(*See section 3.*)

MODIFICATIONS SUBJECT TO WHICH THE CODE IS TO APPLY TO THE BALUCHISTAN AGENCY.

"High Court." (Section 4, cl. (*i*). See also section 6, Act XXI, 1879.)

1. "High Court" shall mean—

(*i*) in reference to proceedings against European British subjects or persons jointly charged with such subjects, the Chief Court of the Punjab[a]; and

(*ii*) in reference to proceedings against other persons, the Agent to the Governor General.

"Pleader." (Section 4, cl. (*n*).)

2. "Pleader", used with reference to any proceeding in any Court, means a legal practitioner having authority from the Agent to the Governor General to practise in such Court.

Court of Session. (Sections 7, 9 and 193, and Chapter XXIII.)

3. (*1*) Each district[b] shall be a Sessions Division, the Court of the District Magistrate shall be the Court of Session for that Division, and the District Magistrate shall be the Judge of that Court.

(*2*) As Judge of a Court of Session, a District Magistrate may take cognizance of any offence as a Court of original jurisdiction without the accused person being committed to him by a Magistrate, and when so taking cognizance of an offence, shall, subject to the provisions of this Law, follow the procedure prescribed for the trial of warrant-cases by Magistrates.

(*3*) A trial before a Court of Session may be without jury or aid of assessors.

Conferment of magisterial powers on police-officers. (Section 14.)

4. Notwithstanding anything in Act V of 1861,[c] or in any other enactment for the time being in force, the Agent to the Governor General may confer on any police-officer all or any of the powers conferred or conferable by or under the Code on any Magistrate, in regard to particular cases, or to a particular class or particular classes of cases, or to cases generally.

Powers of

5. (*1*) Magistrates described in the first column of the following table

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[a] For the appointment of Justices of the Peace who are to commit European British subjects to the Chief Court of the Punjab for trial, see Appendix, *infra*.

[b] For the constitution of districts and sub-divisions and the appointment of District and other Magistrates for the purposes of the Code of Criminal Procedure as applied to the Agency Territories, see Appendix, *infra*.

[c] Printed, General Acts, 1834—1866, Ed. 1887, p. 303.

shall have the powers severally specified against them in the second column thereof, without being further empowered in that behalf:— Magistrates. (Sections 86, 87 and 260.)

| Magistrates. | Powers. |
|---|---|
| 1 | 2 |
| Magistrates of the first class . . | To require security for good behaviour, section 110;<br>To make orders as to local nuisances, section 133. |
| Magistrates of the first or second class . | To make orders prohibiting repetition of nuisances, section 143;<br>To make orders under section 144. |
| Magistrates of the first, second or third class. | To entertain complaints, section 191;<br>To receive police-reports, section 191;<br>To entertain cases without complaint, section 191. |
| Sub-Divisional Magistrates . . | To call for records, section 435. |

(2) The Agent to the Governor General may empower a Magistrate of any class to try in a summary way under Chapter XXII any offence mentioned in section 260 which under section 29 he is competent to try.

6. Any police-officer may exercise the powers conferred by section 55 on an officer in charge of a police-station. Power to any police-officer to act under section 55. (Section 55.)

7. (1) Notwithstanding anything in section 57 or section 61, an officer in charge of a police-station may detain a person arrested without warrant so long as in all the circumstances of the case is reasonable: Detention by police. (Sections 57 and 61.)

(2) But when the officer of his own authority detains any such person in custody for a longer period than twenty-four hours exclusive of the time necessary for the journey from the place of arrest to the nearest Magistrate's Court, he shall state in the report prescribed in section 62 his reasons for prolonging the detention of the person, and, where the detention extends beyond three days, shall submit further reports of the reasons therefor at such intervals as the Magistrate to whom the report under section 62 was submitted may by general or special order direct.

8. Nothing in the first paragraph of section 162 shall be construed to apply to a statement made to a police-officer who is a Magistrate. Complement to the Baluchistan Agency Laws Law, 1890, s. 5, cl. (2). (Section 162.)

9. A prosecution for an offence against the State, or for the offence of giving false evidence in respect of a statement made by a person who has accepted a tender of pardon, may be entertained upon complaint made by order of, or under authority from, the District Magistrate. State offences and false evidence by person to whom pardon has been tendered (Sections 196 and 339)

Tender of pardon. (Section 337.)

10. A Magistrate tendering a pardon to an accomplice under section 337 need not record his reasons for so doing, and, notwithstanding anything in that section, may try the case himself.

Recording of evidence. (Chapter XXV.)

11. In inquiries and trials (other than summary trials) by or before a Magistrate or Court of Session, it shall be sufficient if the Magistrate or Court makes a memorandum of the substance of the evidence of each witness as the examination of the witness proceeds.

Execution of sentence of imprisonment for six months or less. (Section 383.)

12. In the case of a sentence of imprisonment for a term not exceeding six months, the Court passing the sentence may forward the accused with a warrant to the District Magistrate, who may in his discretion either cause the prisoner to be employed in any part of the district as a labourer on roads or other works of public utility, or forward him to the nearest jail.

Appeal to High Court and limitation therefor. (Section 408.)

13. (*1*) A person convicted on a trial held by a District Magistrate may appeal to the High Court.

(*2*) Notwithstanding anything in the Indian Limitation Act, 1877[a], the period of limitation for an appeal to the High Court shall, except in the cases provided for by No. 150 and No. 157 of the second schedule to that Act, be thirty days from the date of the conviction.

Restrictions on appeal. (Sections 413 and 414.)

14. (*1*) Notwithstanding anything in this schedule or in the Code, an appeal shall not lie—

(*a*) in a case in which a Magistrate of the first class passes a sentence of imprisonment for a term not exceeding six months only, or of fine not exceeding five hundred rupees only, or of whipping only; or

(*b*) in a case in which a District Magistrate or Court of Session passes a sentence of imprisonment for a term not exceeding one year, or of fine not exceeding one thousand rupees, or of whipping, or of all or any of those punishments combined.

(*2*) The Governor General in Council may at any time, by notification in the Gazette of India, direct that this section shall cease to be in force in any district with effect from a date to be specified in the notification.

Enhancement of punishment on appeal. (Section 423.)

15. In any case in which an appeal lies, the Appellate Court may enhance any punishment which has been awarded:

Provided that, if the appeal is from the sentence of a Magistrate of any class, the Appellate Court shall not inflict a greater punishment than might have been inflicted by a Magistrate of the first class.

Contempt and offences against public justice or

16. Where an offence referred to in section 195 is committed before a Judge of a Criminal Court or Magistrate, or in contempt of his authority, or

[a] Printed, General Acts 1877–1881, Ed. 1884, p. 90.

is brought to his notice in the course of a judicial proceeding, he may himself try for the offence the person accused thereof. relating to documents. (Section 487.)

17. Notwithstanding anything in section 495, a Court may allow any police-officer to conduct a prosecution. Conduct of prosecutions. (Section 495.)

18. A Court may, for reasons to be stated in writing, refuse to exercise in the manner mentioned in section 526A the power of postponement or adjournment given by section 344. Adjournment on application for transfer of case. (Section 526A.)

19. Notwithstanding anything in the Code, a finding, sentence or order shall not be reversed or altered on appeal or revision on account of any irregularity of procedure unless the irregularity has occasioned a failure of justice. Orders not reversible on technical grounds alone. (Section 537.)

20. (*1*) With the previous sanction of the Governor General in Council, rules may be made under section 553, clause (*c*), for the regulation of the following among other matters, namely :— Process and copying fees, and admission of pleaders and petition-writers. (Section 553.)

(*a*) the fees to be paid for processes;

(*b*) the fees to be paid for copies and inspection of records;

(*c*) the qualifications to be possessed by, and the conditions to be imposed on, legal practitioners applying to the Agent to the Governor General for authority to practise in Criminal Courts, and the fees, if any, to be paid for the concession of such authority; and

(*d*) the licensing of petition-writers and regulation of their conduct.

(*2*) Whoever breaks any rule under clause (*d*) of sub-section (*1*) may, subject to the provisions of any rule under that clause, be suspended or removed from practice or be punished with fine which may extend to fifty rupees.

21. Nothing in this schedule with respect to procedure in inquiries or trials, or with respect to sentences or appeals therefrom or the enhancement or execution thereof, shall be construed to affect the Code in its application to European British subjects or persons jointly charged with such subjects. Saving of provisions relating to European British subjects.

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# THE BALUCHISTAN AGENCY CIVIL JUSTICE LAW, 1890.

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## THE BALUCHISTAN AGENCY CIVIL JUSTICE LAW, 1890.

(*Published by Foreign Department Notification No. 955F., dated the 31st January, 1890, in the Gazette of India, 1890, Pt. I, p. 83.*)

A Law to provide for the Administration of Civil Justice in the territories administered by the Agent to the Governor General in Baluchistan.

WHEREAS it is expedient to provide for the administration of civil justice in the territories administered by the Agent to the Governor General in Baluchistan as such Agent; It is hereby enacted as follows:—

### CHAPTER I.

PRELIMINARY.

Title, commencement and definitions.

1. (*1*) This Law may be called the Baluchistan Agency Civil Justice Law, 1890; and

(*2*) It shall come into force on such day* as the Agent to the Governor General in Baluchistan may, by notification in the Gazette of India, appoint in this behalf.

(*3*) In this Law—

(*a*) the expression "Agent to the Governor General" means the Agent to the Governor General in Baluchistan, and

(*b*) the expression "the said territories" means the territories for the time being administered by the Agent to the Governor General in Baluchistan as such Agent.

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* The 19th April, 1890—see Gazette of India, 1890, Pt. II, p. 161.

## CHAPTER II.

### THE COURTS.

Grades of Civil Courts.

2. Besides the Courts established under any other enactment for the time being in force, the Civil Courts in the said territories shall be of five grades, namely:—

(*1*) the Court of the Agent to the Governor General;

(*2*) the Court of the Political Agent;

(*3*) the Courts of the Assistant Political Agent, the Extra Assistant Commissioner and the Native Assistant;

(*4*) the Courts of the Tahsíldár and the Munsif; and

(*5*) the Court of the Naib-tahsíldár.

Appointment of presiding officers.

3. (*1*) The presiding officers[a] of the Courts of the first, second and third grades shall be appointed and may be removed by the Governor General in Council.

(*2*) The presiding officers[b] of the Courts of the fourth and fifth grades shall be appointed and may be removed by the Agent to the Governor General subject to the control of the Governor General in Council.

Number of Courts of second, third, fourth and fifth grades.

4. The Agent to the Governor General may, with the previous sanction of the Governor General in Council, fix and vary the number of Courts[c] of the second, third, fourth and fifth grades.

Power to fix local limits of jurisdiction of Courts of second, third, fourth and fifth grades.

5. The Agent to the Governor General, by notification in the Gazette of India, may, with the previous sanction of the Governor General in Council, fix and vary the local limits[d] of the jurisdiction of Courts of the second, third, fourth and fifth grades.

Original jurisdiction of Courts.

6. Except as otherwise provided by any other enactment for the time being in force—

(*a*) the Court of the Naib-tahsíldár shall have jurisdiction to try suits of value not exceeding fifty rupees and of the nature cognizable by a Court of Small Causes established under the Provincial Small Cause Courts Act, 1887[e]; IX of 1887.

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[a] For appointment of presiding officers of Courts of first, second and third grades, see Notification of the Governor General in Council, No. 817E., dated 19th April, 1890, in Appendix, *infra*.

[b] For appointment of presiding officers of Courts of fourth and fifth grades, see the Notification of the Chief Commissioner, No. 293C., dated 19th April, 1890, in Appendix, *infra*.

[c] For Courts constituted under s. 4, see Notification Nos. 291C. and 292C., dated 19th April, 1890, in Appendix, *infra*.

[d] For local limits of Courts fixed under this section, see Notifications Nos. 291C. and 292C., dated 19th April, 1890, in Appendix, *infra*.

[e] Printed, General Acts, 1885—1888, Ed. 1889, p. 128.

(*b*) the Courts of the Tahsíldár and the Munsif shall have jurisdiction to try original suits of such value, not exceeding one thousand rupees, as the Agent to the Governor General may in the case of each Tahsíldár or Munsif direct, or if no such direction has been made, then original suits of value not exceeding three hundred rupees;

(*c*) the Courts of the Assistant Political Agent, the Extra Assistant Commissioner and the Native Assistant shall have jurisdiction to try original suits of value not exceeding ten thousand rupees; and

(*d*) the Court of the Political Agent, and the Court of any Assistant Political Agent, Extra Assistant Commissioner or Native Assistant whom the Agent to the Governor General may, by notification in the Gazette of India, specify in this behalf, shall have jurisdiction to try original suits without limit as regards the value.

High Court and District Court.

**7.** (*1*) Subject to the provisions of this section, and of any other enactment for the time being in force, the Court of the Agent to the Governor General shall, for the purposes of all enactments relating to civil jurisdiction for the time being in force, be deemed to be the High Court for the said territories.

(*2*) The Court of the Political Agent shall, for the same purposes, be deemed to be the principal Civil Court of original jurisdiction and the District Court for the local area within its jurisdiction.

IV of 1869.

(*3*) For the purposes of the Indian Divorce Act[a] the Chief Court of the Punjab and the Political Agent shall be deemed to be the High Court and the District Judge, respectively.

Control over Civil Courts.

**8.** (*1*) The general superintendence and control over all other Civil Courts shall be vested in, and all such Courts shall be subordinate to, the Court of the Agent to the Governor General.

(*2*) Subject to the general superintendence and control of the Court of the Agent to the Governor General, the Political Agent shall control all other Civil Courts in the local area within his jurisdiction.

## CHAPTER III.

### CIVIL PROCEDURE.

*General Rules.*

Procedure to be observed in Civil Courts.

**9.** Except as otherwise provided by any other enactment for the time being in force, the provisions of this Chapter shall apply to all suits and other proceedings in the Civil Courts of the said territories.

[a] Printed, General Acts, 1867—1876, Ed. 1887, p. 30.

*Prior Adjudications and Pending Suits.*

Effect of prior adjudication.

10. A Court shall not try any suit in which the matter in issue has been heard and finally decided by a Court of competent jurisdiction in a former suit between the same parties in the same rights, or between parties under whom they, or any of them, claim.

Effect of pending suits.

11. A Court shall not try any suit in which the matter in issue is also in issue in another suit between the same parties, or between parties under whom they, or any of them, claim, pending in the same or any other Court, whether superior or inferior, in British India or in the said territories.

*Applications, Appearances and Acts by Parties.*

Appearance in person or by representative.

12. (*1*) The Court may in its discretion, for any sufficient reason, permit any appearance, application or act, required to be made or done by a party under this Law, to be made or done by the party through an authorized agent, or through a legal practitioner having authority from the Agent to the Governor General to plead and act for parties with the permission of the Court under this sub-section.

(*2*) Permission under this section shall in all cases be granted to persons exempt from personal appearance in Court.

(*3*) Except with the permission of the Court granted under the foregoing provisions of this section, every appearance, application or act under this Law shall be made or done by a party in person.

(*4*) When the permission mentioned in this section is granted to a party, the agent or legal practitioner must, unless, in the case of a legal practitioner, he is an advocate of a High Court established by Royal Charter or of the Chief Court of the Punjab, be appointed by the party by instrument in writing, and that instrument must be filed in Court.

Withdrawal of permission to appoint representative.

13. In any case in which the Court has permitted a party not being a person exempt from personal appearance in Court to appear by an agent or a legal practitioner, it may, for reasons to be recorded in writing, withdraw the permission at any stage of the proceedings, and require the party to attend in person.

Consequences of not appearing in person when required.

14. A party required to attend in person under the last foregoing section, and failing so to attend, shall be subject to the provisions of this Law applicable to parties who do not appear.

*Institution of Suits.*

Mode of beginning suit.

15. The plaintiff must begin his suit by presenting to the Court a written plaint.

16. On a plaint being so presented, the Court shall register the suit and examine the plaintiff, or his agent or legal practitioner, as to the merits of the case. Examination of plaintiff.

17. If upon the examination it appears that there is no substantial cause of action, or that the claim is one which from its nature is not a proper subject of litigation in a Civil Court, the Court may dismiss the suit. Summary dismissal of suit.

18. If upon the examination it is found that the plaintiff sets forth a good cause of action, the Court shall issue a summons to the defendant to appear and answer at a certain time and place. Issue of summons.

*Service of Summons on Defendants.*

19. Service of the summons shall be made by delivering or tendering a copy thereof signed by the Judge or such officer as he appoints in this behalf, and sealed with the seal of the Court, and, when there are more defendants than one, service of the summons shall be made on each defendant. Mode of service of summons.

20. Whenever it is practicable, the service shall be on the defendant in person. Service on defendant in person.

21. When the defendant cannot be found the service may be on any adult male member of his family residing with him or, where the defendant is a member of a tribe, on the head of the tribe. Service when defendant cannot be found.

22. Where the summons is served on the defendant personally, or on any person on his behalf, the person on whom the service is made shall be required to sign an acknowledgment of service, to be endorsed on the original summons or on a copy thereof under the seal of the Court. Endorsement of summons by person served.

(*2*) If the person refuses to sign the acknowledgment, the service of the summons shall nevertheless be held sufficient if it is otherwise proved to the satisfaction of the Court.

23. When the defendant cannot be found, and there is no person on whom the service can be made, the service may be effected by posting the copy of the summons on the outer door of the house in which the defendant ordinarily resides, if he ordinarily resides at any place within the local limits of the jurisdiction of the Court. Service by posting copy of summons on door of ordinary residence.

24. The person serving a summons shall, in all cases in which the summons has been served, endorse on the original summons, or on a copy thereof under the seal of the Court, the time when, and the manner in which, it was served. Endorsement of summons by person serving.

25. (*1*) When a summons is returned to the Court without having been served, if the plaintiff satisfies the Court that there is reasonable ground for believing that the defendant is keeping out of the way for the purposes of avoiding the service of the summons, or that for any other reason the summons Substituted service when summons is returned unserved.

cannot be served in the ordinary way, the Court shall order the summons to be served—

(*a*) by posting a copy thereof on some conspicuous place in the court-house and also on the door of the house in which the defendant last resided, if it is known where he last resided, or

(*b*) in such other manner as the Court thinks proper.

(*2*) A service in the manner ordered by the Court under clause (*b*) of sub-section (*1*) shall be as effectual as if it had been made in the manner specified in clause (*a*) of that sub-section.

Fixing of time for appearance in case of substituted service.

26. When service is substituted by order of the Court under the last foregoing section, the Court shall fix such time and place for the appearance of the defendant as the case may require.

Service on defendant residing out of jurisdiction and having no agent.

27. If the defendant ordinarily resides beyond the local limits of the jurisdiction of the Court in which the suit is instituted, and has not within those limits an agent empowered to accept the service, the Court shall transmit the summons for service to a Court having jurisdiction at the place where the defendant resides.

Service on defendant residing out of British India and Baluchistan Agency and having no agent.

28. (*1*) If the defendant resides out of British India and the said territories and has not therein an agent empowered to accept the service, the summons shall be addressed to the defendant at the place where he resides, and be forwarded to him by post or otherwise.

(*2*) If at the time fixed for the hearing of the suit, or at any time subsequent thereto to which the hearing may be adjourned, a defendant to whom a summons has been forwarded under sub-section (*1*) does not appear, the Court may, on the application of the plaintiff, direct that the plaintiff shall be at liberty to proceed with his suit in such manner, and subject to such conditions, as the Court thinks fit.

Service on agent in charge of immoveable property.

29. When the suit is for land or other immoveable property, and the summons for any reasons cannot be served on the defendant in person, the summons may be served on any agent of the defendant in charge of the land or other property.

*Consequences of non-appearance of Parties.*

Dismissal of suit on non-appearance of either party.

30. (*1*) If, at the time fixed for the defendant to appear and answer, or at any time subsequent thereto to which the hearing of the suit may be adjourned, neither party appears when called upon by the Court, the suit shall be dismissed.

(*2*) When a suit is dismissed under sub-section (*1*), the plaintiff may bring a fresh suit, or, if within a period of thirty days from the date of the dismissal

of the suit he satisfies the Court that there was sufficient cause for his failure to appear, the Court may issue a fresh summons upon the plaint already filed.

Procedure on non-appearance of defendant when summons was duly served.

**31.** (*1*) If the plaintiff appears and the defendant does not appear, and it is proved to the satisfaction of the Court that the summons was duly served, the Court shall proceed to hear the suit *ex parte*.

(*2*) If the defendant appears at any subsequent time to which the hearing of the suit may be adjourned, and assigns good cause for his previous failure to appear, he may, upon such terms as the Court may direct as to payment of costs or otherwise, be heard in answer to the suit in like manner as if he had appeared at the time fixed for his appearance.

Procedure on non-appearance of defendant when summons was not duly served or not served in due time.

**32.** (*1*) If the plaintiff appears and the defendant does not appear, and it is not proved to the satisfaction of the Court that the summons was duly served in any of the modes of service provided by this Law, the Court may direct a second summons to the defendant to be issued in any of those modes.

(*2*) If the plaintiff appears, and it is proved to the satisfaction of the Court that the summons was served on the defendant, but was served on him too late to admit of his appearing and answering at the time fixed in the summons, the Court shall postpone the hearing of the suit to a future time to be fixed by the Court, and may direct notice of that time to be given to the defendant.

Judgment by default against plaintiff not appearing or against defendant on admission.

**33.** (*1*) If the defendant appears and the plaintiff does not appear, the Court shall pass judgment against the plaintiff by default, unless the defendant admits the claim, in which case the Court shall pass judgment against the defendant upon the admission.

(*2*) When judgment is passed against a plaintiff by default, he shall be precluded from bringing a fresh suit in respect of the same cause of action.

Consequence of non appearance of one or more of several plaintiffs.

**34.** If there are two or more plaintiffs, and appearance is made by one or more of them and not by the other or others, the Court may, at the instance of the plaintiff or plaintiffs appearing, proceed with the suit in the same way as if all the plaintiffs had appeared, and pass such order as is just and proper in the circumstances of the case.

Consequence of non-appearance of one or more of several defendants.

**35.** If there are two or more defendants, and appearance is made by one or more of them and not by the other or others, the Court shall proceed with the suit to judgment and shall, at the time of passing judgment, make such order with respect to the defendant or defendants by whom appearance has not been made as is just and proper in the circumstances of the case.

Setting aside judgment *ex parte* against defendant.

**36.** (*1*) Where judgment is passed *ex parte* against a defendant, he may apply at any time, not later than thirty days from the date on which any process for enforcing the judgment has been executed, to the Court by which the judgment was passed, for an order setting it aside.

(*2*) If it is proved to the satisfaction of the Court that the summons was not duly served, or that the defendant was prevented by sufficient cause from appearing when the suit was called on for hearing, the Court shall pass an order setting aside the judgment and appoint a time for proceeding with the suit.

Setting aside judgment against plaintiff by default.

37. (*1*) Where judgment is passed against a plaintiff by default, he may apply, within thirty days from the date of the judgment, for an order setting it aside.

(*2*) If it is proved to the satisfaction of the Court that the plaintiff was prevented by sufficient cause from appearing when the suit was called on for hearing, the Court shall pass an order setting aside the judgment by default and appoint a time for proceeding with the suit.

Judgment not to be set aside without notice.

38. A judgment shall not be set aside on an application under either of the two last foregoing sections unless notice of the application has been served on the opposite party.

*Fixing Issues and Preparations for the Hearing.*

Framing of issues.

39. If both parties are present at the time fixed for the defendant to appear and answer, or at any time subsequent thereto to which the proceedings are adjourned for the purposes of this section, the Judge shall examine them with a view to ascertaining upon what questions of law and fact the parties are at issue, and, having with his own hand made a note of the examination, shall frame and record the issues of law and fact on which the right decision of the case depends.

Procedure when parties are at issue on a question of fact.

40. (*1*) If the parties are at issue on a question of fact, the Court shall then further examine them as to the evidence they intend to adduce upon the question, and shall either proceed at once to hear the suit or appoint a time and place for the hearing thereof.

(*2*) Upon such sums being deposited for the expenses of witnesses as, subject to any rules under this Law, the Court thinks reasonable, the Court shall issue such summonses for the attendance of witnesses and the production of documents as the parties may desire.

Service of summons on witnesses.

41. A summons to a witness shall be signed, sealed and served as nearly as may be in the manner provided by this Law for the signing, sealing and service of a summons on a defendant.

Arrest of witness neglecting to attend.

42. If a witness on whom a summons has been so served neglects or refuses to appear at the time and place appointed and does not offer reasonable excuse for the neglect or refusal, the Court may issue a warrant to bring the witness before it to give his evidence.

### *The Hearing.*

Mode of taking evidence.

**43.** (*1*) At the time for the hearing of the suit, or at some time subsequent thereto to which the hearing may be adjourned, the evidence of the witnesses, and of any parties to the suit appearing as witnesses, shall be taken by the Judge orally in open Court and in presence of the parties.

(*2*) Any evidence given in a language not understood by a party to the suit shall be interpreted to that party as the examination proceeds.

(*3*) Each party may examine the opposite party and all witnesses.

Recording of evidence.

**44.** A memorandum of all evidence taken shall be recorded by the Judge with his own hand as the examination proceeds, either in English or in the language prescribed by the Agent to the Governor General as the language of the Court as the Judge thinks fit.

Power for Court to examine witness or require production of document.

**45.** At any stage of the suit the Court may examine as a witness any person present in Court, or call upon him to produce any document or other thing, or may summon any person to give evidence or produce any document or other thing, if it considers that the evidence of the person, or the production of the thing, is likely to aid it in the decision of the matters in dispute.

### *Judgments.*

Delivery of judgment.

**46.** When the documentary evidence, if any, has been perused, and the witnesses have been examined and the parties heard, the Court shall, either immediately or at some subsequent time of which due notice shall be given to the parties, deliver its judgment.

Judgment to be in writing.

**47.** The judgment shall be written by the Judge with his own hand either in English or in the language prescribed by the Agent to the Governor General as the language of the Court, as the Judge thinks fit, and it shall be dated and signed by the Judge at the time it is delivered.

Contents of judgment.

**48.** The judgment shall contain the decision of the Court upon each issue, together with the grounds of the decision, and shall conclude with a decree clearly stating the relief granted or other determination of the suit.

Provided that, when the decision upon one or more issues is sufficient for the disposal of the suit, the Court may, in its discretion, abstain from pronouncing any decision upon the remaining issues.

Costs.

**49.** (*1*) The decree shall specify the costs payable and the parties by whom they are to be paid.

(*2*) In determining the amount of costs the Court shall not allow the remuneration of agents or legal practitioners permitted under section 12 to plead or act.

Allowance of interest.

**50.** When the suit is for a sum of money due to the plaintiff, the Court may in the decree order simple interest at such rate as it thinks fit to be paid on the principal sum adjudged from the date of suit to the date of decree in addition to any interest adjudged on the principal sum for any period prior to the date of suit, with further simple interest, at a rate not exceeding six per centum yearly, on the aggregate sum so adjudged and on the costs of the suit from the date of the decree to the date of payment.

Payment of amount of decree by instalments.

**51.** In a decree for the payment of money the Court may, for any sufficient reason, order that the amount due under the decree shall be paid by instalments with or without interest.

Contents of decree for moveable property.

**52.** Where in a suit for moveable property the decree is for the delivery of the property, the Court shall fix an amount of money to be paid as an alternative if delivery cannot be made.

Copies of judgment to be furnished to parties.

**53.** Certified copies of the judgment, and, in cases where the judgment is required to be translated, of the translation thereof, shall be furnished to the parties on their application and on payment by them of the cost of the copies.

*Procedure in Special Cases.*

Injunction against waste, damage or alienation of property in dispute.

**54.** If at any stage of a suit before judgment a Court is satisfied, upon such inquiry as it considers necessary, that any property which is in dispute in the suit is in danger of being wasted, damaged or alienated by a party to the suit, it may, on such terms as may appear to it to be just, issue an injunction to that party commanding him to refrain from the act of waste, damage or alienation, or make such order for the purpose of staying and preventing him from wasting, damaging or alienating the property, or for the care and custody thereof, as it thinks fit.

Injunction against breach of contract or commuttal of injury.

**55.** In any suit for restraining the defendant from the committal of any breach of contract or other injury, the Court may at any time after the commencement of the suit, and either before or after judgment, and on such terms as may appear to it to be just, issue an injunction restraining the defendant from the repetition or continuance of the breach of contract or the injury or the committal of any similar breach of contract or injury.

Enforcement of injunctions by attachment of property.

**56.** In case of disobedience to an injunction issued under either of the two last foregoing sections, the injunction may be enforced by attaching the property of the party to whom the injunction was addressed and retaining it under attachment until he obeys the injunction.

Power to vary or set aside orders under sections 54 and 55, and

**57.** The Court may at any time vary or set aside an order made by it under section 54 or section 55; and, if it is satisfied that any such order has been applied for and procured by any party on grounds known to the party to

be insufficient, it may award against the party in its decree such amount as it deems a reasonable compensation to the party aggrieved by the order. to adjudge compensation to party injured.

58. (*1*) If at any hearing of a suit it appears to the Court desirable that any person not already a party to the suit should be made a party thereto, it may direct that the person be made a plaintiff or defendant, as the case may be. Power to add parties.

(*2*) Where a person is so made a plaintiff or defendant, the Court shall cause a summons to be served on him in the manner provided by this Law for the service of a summons on a defendant.

59. Where a suit involves any question regarding succession, inheritance, pre-emption, marriage or caste, or any religious usage or institution, it may be heard with the aid of assessors selected by the Court from the class to which the parties belong. Certain suits triable with the aid of

*Miscellaneous.*

60. Women who, according to the customs and manners of the class to which they belong, ought not to be compelled to appear in public shall be exempt from personal appearance in Court, whether as parties or as witnesses. Exemption of women from appearance in person.

61. The Agent to the Governor General may, by notification in the Gazette of India, exempt from personal appearance in Court, whether as a party or as a witness, any person whose rank appears to entitle him to the privilege of exemption, and may, by like notification, withdraw the privilege. Power to Agent to the Governor General to exempt from appearance in person.

62. (*1*) All documents admitted as evidence in a suit, other than entries in shop-books or other books, shall be filed with the record and shall not be returned to the parties without the written permission of the Court. Filing of documents admitted in evidence.

(*2*) A certified copy of any document to be so returned within three months from the date of the disposal of the suit shall be made at the expense of the person applying for the return of the document and be filed with the record.

VII of 1870. (*3*) No fee shall be payable under the Court-fees Act, 1870,* in respect of an application for the return of a document, or in respect of a certified copy to be filed with the record, under this section.

63. (*1*) When a party desires to put in evidence an entry in a shop-book or other book, he shall produce the book to the Court, together with a copy of the entry on which he relies. Mode of admission in evidence of entry in book.

(*2*) The Court shall forthwith mark the entry for the purpose of identi-

* Printed, General Acts, 1867—1876, Ed. 1887, p. 141.

fication, and, having examined and compared the copy with it, shall file the copy with the record and return the book to the party producing it, unless there seems to the Court to be cause for impounding it.

*Execution of Decrees.*

Mode of execution of decrees.

64. (*1*) The Court shall, on application made by the decree-holder in writing, execute its decrees in the following manner, that is to say:—

(*a*) decree for property in the possession of the judgment-debtor, by giving possession of the property to the decree-holder; or

when the property is moveable, and possession of it cannot from any cause be given, by levying in the manner provided by this sub-section for the execution of a decree for money the amount fixed as an alternative under section 52;

(*b*) a decree for partition, by dividing the property and giving the decree-holder possession of his portion;

(*c*) a decree for money, by arresting and imprisoning the judgment-debtor subject to the provisions of the Debtors Act, 1888,[a] or by attaching his property and selling it, or by both means; VI of 1888.

(*d*) a decree for the performance of any act by the judgment-debtor, by arresting and imprisoning him or by attaching his property and retaining it under attachment, or by both means.

(*2*) No person shall be imprisoned in execution of a decree for a longer period than six months in any case, or for a longer period than six weeks if the decree is for a sum of money not exceeding fifty rupees.

(*3*) No property in land shall be sold in execution of any decree without the previous sanction of the Agent to the Governor General.

(*4*) In the last foregoing sub-section the word "land" means land which is not occupied as the site of any building in a town or village and is occupied or has been let for agricultural purposes or for purposes subservient to agriculture, or for pasture, and includes the sites of buildings and other structures on such land.

Decree against surety.

65. Whenever a person has become liable as surety for the performance of a decree or of any part of a decree, the decree may be executed against him to the extent to which he has rendered himself liable, in the same manner as a decree may be enforced against a judgment-debtor.

Execution of *ex parte* decrees.

66. When an application is made for the execution of an *ex parte* decree, the Court may in its discretion, before ordering execution, require the applicant to give such security as it deems sufficient for compensation for any injury

[a] Printed, General Acts, 1885—1888, Ed. 1889, p. 220.

that may be done in the course of the execution, or may issue a notice to the judgment-debtor to show cause why the decree should not be executed.

*Appeal.*

Appeals from Courts of Tahsíldárs, Munsifs, Assistant Political Agents, Extra Assistant Commissioners and Native Assistants.

67. (*1*) A decree or order made in an original suit of value not exceeding fifty rupees by a Tahsíldár or Munsif, or in an original suit of value not exceeding one hundred rupees by an Assistant Political Agent, Extra Assistant Commissioner or Native Assistant, shall, subject to the provisions of this Law with respect to revision, be final.

(*2*) From every other decree or order of a Tahsíldár, Munsif, Assistant Political Agent, Extra Assistant Commissioner or Native Assistant in an original suit, and from every decree or order of a Naib-tahsíldár in such a suit, an appeal shall lie to the Court of the Political Agent.

Appeal from Court of Political Agent.

68. (*1*) A decree or order made in an original suit of value not exceeding five hundred rupees by a Political Agent shall, subject to the provisions of this Law with respect to revision, be final.

(*2*) From every other decree or order of a Political Agent in an original suit an appeal shall lie to the Court of the Agent to the Governor General.

Appeals from appellate decrees and orders.

69. (*1*) Save as provided by this section, and subject to the provisions of this Law with respect to revision, an appellate decree or order of a Political Agent shall be final.

(*2*) An appeal from an appellate decree or order of a Political Agent in a suit of value exceeding one thousand rupees shall lie to the Court of the Agent to the Governor General.

*Revision.*

Revision.

70. The Agent to the Governor General or Political Agent may, of his own motion or otherwise, call for the record of any case decided by a Court under his control in which an appeal does not lie or in which, for cause shown to his satisfaction, an appeal has not been preferred within the time limited therefor, and may pass such order in the case as he thinks fit.

*Distribution of Business and Transfer of Proceedings.*

Power for Political Agent to distribute business.

XIV of 1882. IX of 1887.

71. Notwithstanding anything in the Code of Civil Procedure[a] or the Provincial Small Cause Courts Act, 1887,[b] as applied to the said territories, a Political Agent may, by order, direct that any civil business cognizable by his Court and the Courts under his control shall be distributed among those Courts in such manner as he thinks fit:

[a] For Act XIV of 1882, as modified up to the 1st July, 1888, see the revised edition published by the Legislative Department.
[b] Printed, General Acts, 1885—1888, Ed. 1889, p. 128.

Provided that, except so far as it may affect the exclusive jurisdiction of a Court of Small Causes or Court invested with the jurisdiction of a Court of Small Causes, a direction given under this section shall not empower any Court to exercise any powers or deal with any business beyond the limits of its proper jurisdiction.

Power for Agent to the Governor General and Political Agent to transfer proceedings

**72** The Agent to the Governor General or Political Agent may withdraw any suit or other proceeding pending in any Court under his control and try it himself or refer it for disposal to any other Court under his control and competent to try it

*Review*

Review

**73** (*1*) The Agent to the Governor General may, for sufficient reason, review any decree or order which has been passed by himself and from which an appeal has not been preferred to Her Majesty in Council

(*2*) A Court subordinate to the Court of the Agent to the Governor General shall not review any decree or order made by it, except for the purpose of correcting a clerical error or other error manifestly the result of an oversight, without previously obtaining—

(*a*) in the case of any Court subordinate to the Political Agent, the permission of the Political Agent,

(*b*) in the case of the Court of a Political Agent, the permission of the Agent to the Governor General

## CHAPTER IV

### REFERENCE TO ARBITRATION

*Making and Contents of References*

Making of reference

**74** Any Court may, with the consent of the parties, by order, refer any dispute before it to arbitration

Contents of order of reference

**75** In referring any such dispute to arbitration, the Court making the reference shall specify, in the order of reference, the precise matter submitted to the arbitrators or arbitrator, and such period as it may think reasonable for the delivery of the award, and the Court may from time to time extend such period

*References to several Arbitrators.*

Appointment of arbitrators where reference is to more than one arbitrator

**76** The parties to the case may each nominate either one or two arbitrators. provided that each party shall nominate the same number,

and a third or fifth arbitrator (as the case may be) shall be appointed by the Court making the reference.

Power to excuse arbitrator from serving and to call for nomination of substitute.

77. Every Court making a reference under this Chapter may, on good cause shown, excuse any person from serving as an arbitrator, and may call on the party who nominated such person to nominate another in the place of the person so excused.

Nomination of new arbitrator in place of one dying or failing to act.

78. If an arbitrator dies, desires to be discharged or refuses or becomes incapable to act, the party who nominated him shall nominate another person in his place.

Nomination by Court on default of parties.

79. If in any of the cases provided for by section 77 or section 78 any party fails for a week to nominate in manner aforesaid, the Court making the reference shall appoint some person to act as arbitrator.

Award.

80. The arbitrators shall determine and award concerning the matter referred to them for arbitration.

Summoning parties to give evidence.

81. If the arbitrators require the presence of the parties, or any other persons whose evidence may be necessary, they may apply to the Court making the reference, and the Court shall summon such parties or persons;

and all such parties or persons shall be bound to attend, either in person or by agent, as the arbitrators may require, and to state the truth and to produce such documents and other things as may be required before the arbitrators.

Preparation and submission of award.

82. The award shall be made in writing under the hands of the arbitrators, and shall be submitted by them to the Court making the reference, and the Court shall cause notice to be served on the parties to attend and hear the award.

Remission of award to arbitrators.

83. The Court making the reference may remit the award or any matter referred to arbitration to the re-consideration of the same arbitrators—

(*a*) if the award has left undetermined any matter referred to arbitration, or if it has determined a matter not referred to arbitration;

(*b*) if the award is so indefinite as to be incapable of execution; or

(*c*) if an objection to the legality of the award is apparent upon the face of the award.

Grounds for setting aside award.

84. (*1*) No award shall be liable to be set aside except on the ground of corruption or misconduct of all or any of the arbitrators.

(*2*) Any application to set aside an award shall be made within ten days after the day appointed for hearing the award.

Decision according to award.

85. If the Court making the reference sees no cause for remitting or further remitting the award or any matter referred to arbitration for re-consideration in the manner aforesaid,

and if no application has been made to set aside the award,

or if the Court has refused such application,

the Court shall decide in accordance with the award of the majority of the arbitrators,

and shall fix the amount to be allowed for the expenses of the arbitration, and direct by and to whom, and in what manner, the same shall be paid.

Bar to appeal and suit.

**86.** Such decision shall not be open to appeal, and shall be at once carried out;

and no Court shall entertain any suit for the purpose of setting it aside or against the arbitrators on account of their award.

*References to a single Arbitrator.*

Reference to single arbitrator.

**87.** If the parties desire that the matter in dispute be referred to one arbitrator instead of to three or five arbitrators under section 76, the matter may be so referred, and the provisions of sections 77 to 86, both inclusive, shall then apply, so far as they can be made applicable, to the single arbitrator and to the proceedings before him and his award.

## CHAPTER V.

### SUPPLEMENTAL PROVISIONS.

Disposal of pending cases.

**88.** (*1*) Cases pending at the commencement of this Law shall be disposed of by such of the Courts under this Law as the Agent to the Governor General may direct, and shall be dealt with as nearly as may be in accordance with the provisions of this Law.

(*2*) But if in any such case it appears to the Court that the application of any provision in this Law would deprive any party of any right which, but for this Law, would have belonged to him, the Court may proceed as if this Law were not in force.

Law to be administered.

**89.** (*1*) When in any suit it is necessary for a Court under this Law to decide any question regarding succession, inheritance, pre-emption, marriage or caste, or any religious usage or institution,—

the Muhammadan law in cases where the parties are Muhammadans, and

the Hindu law in cases where the parties are Hindus,

shall form the rule of decision, except in so far as that law has been altered or abolished by any enactment, or is opposed to any custom having the force of law in the said territories.

(*2*) In cases not provided for by sub-section (*1*) or by any other law for the time being in force, the Court shall act according to justice, equity and good conscience.

Power for Agent to the Governor General to make rules.

**90.** (*1*) The Agent to the Governor General may make rules consistent with this Law for regulating the practice and proceedings of his own Court and the Courts subordinate thereto.

(*2*) With the previous sanction of the Governor General in Council, rules may be made under sub-section (*1*) for the regulation of the following among other matters, namely:—

(*a*) the fees to be paid for processes;

(*b*) the fees to be paid for copies and inspection of records;

(*c*) the travelling and other expenses of witnesses;

(*d*) the qualifications to be possessed by, and the conditions to be imposed on, legal practitioners applying to the Agent to the Governor General for authority to plead and act for parties under this Law, and the fees, if any, to be paid for the concession of such authority; and

(*e*) the licensing of petition-writers and regulation of their conduct.

(*3*) Whoever breaks any rule under clause (*e*) of sub-section (*2*) may, subject to the provisions of any rule under that clause, be suspended or removed from practice or be punished with fine which may extend to fifty rupees.

Miscellaneous proceedings.

**91.** The procedure to be observed by any Court under this Law in suits shall be followed, so far as it can be made applicable, in all proceedings in that Court other than suits.

Decrees and orders not reversible on technical grounds alone.

**92.** Notwithstanding anything in this Law a decree or order shall not be reversed or altered on appeal or revision on account of any irregularity of procedure unless the irregularity has occasioned, or is likely to occasion, a failure of justice.

Conferment of powers of Political Agent.

**93.** (*1*) Subject to the other provisions of this Law, the Agent to the Governor General may, by order in writing, invest any Assistant Political Agent, Extra Assistant Commissioner or Native Assistant with all or any of the powers of a Political Agent under this Law, and declare that the powers with which he is so invested are to be exercised within any specified local area and with respect to any particular class or particular classes of cases or with respect to cases generally.

(*2*) The Court of an Assistant Political Agent, Extra Assistant Commissioner or Native Assistant so invested shall, for all purposes connected with

the exercise of the said powers, be deemed to be the Court of a Political Agent.

(3) The Agent to the Governor General may, by order in writing, direct how business is to be distributed between the Political Agent and any Assistant Political Agent, Extra Assistant Commissioner or Native Assistant invested as aforesaid.

Power to confer Small Cause Court jurisdiction.

94. (1) The Agent to the Governor General may confer, within such local limits as he may prescribe in this behalf, upon any Tahsíldár, Munsif, Assistant Political Agent, Extra Assistant Commissioner or Native Assistant the jurisdiction of a Judge of a Court of Small Causes under the Provincial Small Cause Courts Act, 1887,[a] as applied to the said territories, for the trial of suits cognizable by such Courts up to such value not exceeding one hundred rupees in the case of a Tahsíldár or Munsif, or five hundred rupees in the case of an Assistant Political Agent, Extra Assistant Commissioner or Native Assistant, as the said Agent thinks fit, and may withdraw any jurisdiction so conferred. IX of 1887.

(2) The Agent to the Governor General may make rules for regulating the distribution of business between any Tahsíldár or Munsif and any Assistant Political Agent, Extra Assistant Commissioner or Native Assistant upon whom jurisdiction may be conferred within the same local limits under this section.

Limitation for appeals and applications under this Law.

95. Where the Code of Civil Procedure[b] or any part thereof is referred to in the second or third division of the second schedule to the Indian Limitation Act, 1877,[c] as applied to the said territories, the reference shall be construed as applying to this Law or the corresponding part thereof, if any. XIV of 1882. XV of 1877.

## THE BALUCHISTAN AGENCY FOREST LAW, 1890.

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[c] Printed, General Acts, 1877—1881, Ed. 1884, p. 91.

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## THE BALUCHISTAN AGENCY FOREST LAW, 1890.

*(Published by Foreign Department Notification No. 811E., dated the 19th April, 1890, in the Gazette of India, 1890, Part I, page 241.*

A Law to declare the law relating to forests in the territories administered by the Agent to the Governor General in Baluchistan and to amend the Baluchistan Agency Laws Law, 1890.

WHEREAS it is expedient to declare the law relating to forests in the terri-

tories administered by the Agent to the Governor General in Baluchistan as such Agent, and to amend the Baluchistan Agency Laws Law, 1890; It is hereby enacted as follows:—

## CHAPTER I.

### PRELIMINARY.

Title and extent.

**1.** (*1*) This Law may be called the Baluchistan Agency Forest Law, 1890.

(*2*) It extends to the territories for the time being administered by the Agent to the Governor General in Baluchistan as such Agent:

Provided that the said Agent to the Governor General may, by notification in the Gazette of India, exempt any place in those territories from the operation of the whole or any part of this Law, but not so as to affect anything done or any offence committed, or any fine or penalty incurred, or any proceedings commenced, in such place before such exemption.

Definitions.

**2.** In this Law, unless there is something repugnant in the subject or context,—

(*1*) "Agent to the Governor General" means the Agent to the Governor General in Baluchistan:

(*2*) "Political Agent" means the chief executive Revenue-officer of the district:

(*3*) "*State forest*" means any land which may be constituted a State forest under section 3 of this Law:

(*4*) "Forest-officer" means any person appointed, by name or as holding an office, by or under the orders of the Governor General in Council or the Agent to the Governor General, to be Chief Forest-officer or a Deputy Conservator, Assistant Conservator, Sub-Assistant Conservator, Forest-ranger, Forester or Forest-guard, or to discharge any function of a Forest-officer under this Law or any rule made hereunder:

(*5*) "Chief Forest-officer" means the Chief Forest-officer in the territories for the time being administered by the Agent to the Governor General in Baluchistan as such Agent:

(*6*) "tree" includes palms, bamboos, stumps, brushwood and canes:

(*7*) "timber" includes trees when they have fallen or have been felled, and all wood, whether cut up or fashioned or hollowed out for any purpose or not:

(8) "forest-produce" includes—

(a) the following, whether found in, or brought from, a forest or not, that is to say—

timber, charcoal, caoutchouc, catechu, wood-oil, resin, natural varnish, bark, lac, mahua flowers and myrabolams; and

(b) the following when found in, or brought from, a forest, that is to say—

(i) trees and leaves, flowers and fruits, and all other parts or produce not hereinbefore mentioned of trees,

(ii) plants not being trees (including grass, creepers, reeds and moss), and all parts or produce of such plants,

(iii) wild animals, and skins, tusks, horns, bones, silk, cocoons, honey and wax, and all other parts or produce of animals, and

(iv) peat, surface-oil rock and minerals (including limestone, laterite, mineral oils and all products of mines or quarries):

(9) "Forest-offence" means an offence punishable under this Law:

(10) "Cattle" includes also elephants, camels, buffaloes, horses, mares, geldings, ponies, colts, fillies, mules, asses, pigs, rams, ewes, sheep, lambs, goats and kids: and

(11) "Magistrate" means a Magistrate of the first or second class, and includes a Magistrate of the third class when he is specially empowered by the Agent to the Governor General to try forest-offences.

## CHAPTER II.

### Of State Forests.

Constitution of State forests.

3. (1) The Agent to the Governor General may, by notification in the Gazette of India, declare any woodland, permanent grazing-ground or other land which is the property of the Government to be a State forest from a date to be fixed in the notification.

(2) The notification shall specify as nearly as possible the situation and limits of the land in respect of which the declaration is made; and from the date fixed therein the said land shall be deemed to be a State forest.

(3) The Political Agent shall, before that date, cause a translation of the notification in the language of the country to be published in the towns and villages in the neighbourhood of the land and in any other villages of which the residents have been accustomed to graze their flocks in, or in the vicinity of, the land.

Demarcation of State forests.

4. Whenever a State forest is not bounded by a road, stream or other existing well-defined boundary-mark, it shall be demarcated by cleared lines, or in such other manner as the Agent to the Governor General may direct.

Bar of acquisition of rights.

5. No right of any description adverse to Government shall be acquired in or over a State forest by lapse of time or otherwise than under a grant or contract in writing made by, or on behalf of, the Government.

Power to close roads and pathways.

6. In any State forest the Chief Forest-officer may, from time to time, with the previous sanction of the Agent to the Governor General, determine what roads and pathways shall be authorised for public traffic, and cause all other roads and pathways to be closed either permanently or for a time only. The Chief Forest-officer shall cause public notice to be given of the closing of any existing road or pathway.

Penalties for trespass or damage in State forests.

7. Any person who in a State forest—

(*a*) trespasses, or pastures cattle or permits cattle to trespass, off any road or pathway authorised for public traffic, or

(*b*) causes any damage by negligence in felling any tree, or cutting or dragging any timber, or

(*c*) lops, notches, strips off the leaves from, or otherwise damages, any tree, or

(*d*) hunts, shoots, fishes, poisons water, or sets traps or snares,

shall be punished with fine which may extend to fifty rupees, or, when the damage resulting from his offence amounts to more than twenty-five rupees, to double the amount of such damage.

Acts prohibited in State forests.

8. Any person who—

(*a*) sets fire to a State forest, or

(*b*) in contravention of any rules made by the Agent to the Governor General kindles any fire, or leaves any fire burning in such manner as to endanger a State forest, or

*who in a State forest*—

(*c*) kindles, keeps or carries any fire except at such seasons, and in such manner, as a Forest-officer specially empowered in this behalf may from time to time notify, or

(*d*) fells, girdles, marks, taps, strips off the bark from, or uproots or burns, any tree, or

(*e*) quarries stone, burns lime or charcoal, or collects, subjects to any manufacturing process, or removes any forest-produce, or

(*f*) clears, cultivates or breaks up any land for cultivation or any other purpose,

shall be punished with imprisonment for a term which may extend to six

months, or with fine which may extend to five hundred rupees, or with both, and shall also be liable to pay such sum as compensation for damage done to the forest as the convicting Magistrate may direct.

Exceptions from prohibitions contained in sections 7 and 8.

9. (*1*) Nothing in section 7 or section 8 shall be deemed to prohibit any act done—

(*a*) with the permission of a Forest-officer specially empowered to give such permission; or

(*b*) in pursuance of any permission granted by the Agent to the Governor General; or

(*c*) in accordance with any rule made by the Agent to the Governor General with the previous sanction of the Governor General in Council.

(*2*) The permission of the Forest-officer referred to in sub-section (*1*), clause (*a*), shall be in writing, and shall only authorise the doing of some particular act on some particular occasion.

(*3*) The permission referred to in sub-section (*1*), clause (*b*), may be a general permission to a person to pasture his cattle, or to collect and remove any forest-produce for the use of himself and his family but not for the purposes of trade.

(*4*) The rules referred to in sub-section (*1*), clause (*c*), may be applied by the Agent to the Governor General, by notification in the Gazette of India, to all or any State forests, or to any part of a State forest, and may, with respect thereto,—

(i) regulate the cutting, sawing, conversion and removal of trees and timber, the cutting of grass and pasturing of cattle, and the collection and removal of forest-produce;

(ii) regulate the quarrying of stone, the prospecting for, and extracting of, oil, the boiling of cutch, and the burning of lime or charcoal;

(iii) regulate hunting, shooting, fishing, poisoning water, and setting traps or snares;

(iv) prescribe, or authorise any Forest-officer to prescribe, subject to the control of the Agent to the Governor General, the fees, royalties or other payments for timber or other forest-produce, and the mode in which such fees, royalties or other payments shall be levied, whether in transit or partly in transit, or otherwise.

In making any such rule the Agent to the Governor-General may direct that a breach of it shall be punishable with fine which may extend to fifty rupees, and, when the breach is a continuing breach, with a further fine which

may extend to five rupees for every day after the first during which the breach continues.

(5) The Agent to the Governor General may cancel any permission given by a Forest-officer or withdraw any permission granted by himself, and may, by notification in the Gazette of India, cancel or modify, with the previous sanction of the Governor General in Council, all or any rules made under this section.

Power to declare forest no longer State forest.

10. The Agent to the Governor General may, with the previous sanction of the Governor General in Council, by notification in the Gazette of India, direct that, from a date fixed by such notification, any State forest or any portion thereof shall cease to be a State forest. From the date so fixed such forest or portion shall cease to be a State forest.

## CHAPTER III.

### OF THE PROTECTION OF CERTAIN TREES AND NATURAL PRODUCE.

Power to declare reserved trees.

11. The Agent to the Governor General may, by notification in the Gazette of India,—

(*a*) declare that any trees or any specified class of trees standing on any land at the disposal of the Government shall, from a date to be fixed by such notification, be reserved trees;

(*b*) vary or cancel any such notification.

Acts prohibited in regard to reserved trees.

12. (*1*) No person shall cut, mark, lop, girdle, tap or injure by fire or otherwise any reserved tree, except as provided by rules made by the Agent to the Governor General in this behalf, or with the permission in writing of a Forest-officer specially empowered to grant such permission.

(*2*) Whoever cuts, marks, lops, girdles, taps or injures by fire or otherwise any reserved tree in contravention of sub-section (*1*) of this section shall be punished with fine which may extend to twenty rupees, or, when the damage resulting from his offence amounts to more than ten rupees, to double the amount of such damage.

## CHAPTER IV.

### OF FOREST-PRODUCE IN TRANSIT.

Power to establish

13. The Chief Forest-officer may, subject to the control of the Agent to the Governor General, establish stations within or outside any State forest

Forest-stations.

for the examination of timber and other forest-produce, and for the collection of dues leviable in respect of the same.

Power to prescribe routes for removal of timber and other forest-produce.

**14.** (*1*) No timber or other forest-produce shall be taken out of any State forest except by a route on which such a station has been established, or of which the use for the removal of timber or other forest-produce has been specially authorised by the Chief Forest-officer.

(*2*) A full description of every such route shall be fixed up by the Forest-officer in charge of the forest-division in the towns and villages in the neighbourhood of the forest served by the same.

Timber and other forest-produce in transit to be covered by pass.

**15.** No timber or other forest-produce, whether the produce of a State forest or of other lands, shall be taken along any route authorised for the removal of timber or other forest-produce under section 14 unless covered by a pass issued by a Forest-officer whom the Chief Forest-officer has duly authorised in that behalf or by the owner of the land, as the case may be. Such pass shall state the quantity and kind of timber or other forest-produce so taken, and the marks, if any, which it bears.

Penalties for breach of provisions of sections 14 and 15.

**16.** Any person who contravenes the provisions of section 14 or section 15 shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

Power to exempt from operation of section 14 or section 15.

**17.** A general exemption from the operation of section 14 or section 15 or both sections—

(*a*) with respect to any class of timber or other forest-produce, or

(*b*) with respect to all timber or other forest-produce, in favour of the inhabitants of any specified locality,

may be granted by a Forest-officer specially empowered in this behalf.

## CHAPTER V.

### OF CATTLE-TRESPASS.

Application of Cattle-trespass Act, 1871.

**18.** Cattle-trespassing in a State forest shall be deemed to be cattle doing damage to a public plantation within the meaning of section 11 of the Cattle-trespass Act, 1871,[a] and may be seized and impounded as such by any Forest-officer or Police-officer specially authorised in this behalf by the Political Agent: I of 1871.

Provided that it shall be optional with the Forest-officer to proceed against the owner of such cattle under section 7 of this Law.

Power to

**19.** The Agent to the Governor General may, by notification in the

[a] Printed, General Acts, 1867—1876, 2nd Ed. 1887, p. 206.

Gazette of India, direct that there shall be levied for each head of cattle impounded such fines as he thinks fit, but not exceeding the following (that is to say):— alter fines fixed by that Act.

| | R | a. |
|---|---|---|
| For each elephant | 10 | 0 |
| For each buffalo or camel | 2 | 0 |
| For each horse, mare, gelding, pony, colt, filly, mule, bull, bullock, cow or heifer | 1 | 0 |
| For each calf, ass, pig, ram, ewe, sheep, lamb, goat or kid | 0 | 8 |

## CHAPTER VI.

### PENALTIES AND PROCEDURE.

Seizure of property liable to confiscation and report thereof to Magistrate.

**20.** (*1*) When there is reason to believe that a forest-offence has been committed in respect of any timber or other forest-produce, such timber or produce, together with all tools, boats, carts and cattle used in committing such offence, may be seized by any Forest-officer or Police-officer.

(*2*) Every officer seizing property under this section shall place thereon, or on the receptacle (if any) in which it is contained, a mark indicating that the same has been so seized; and shall, as soon as may be, make a report of such seizure to the Magistrate having jurisdiction to try the offence on account of which the seizure has been made:

Provided that, when the timber or other forest-produce with respect to which such offence is believed to have been committed is the property of Government and the offender is unknown, it shall be sufficient if the officer makes, as soon as may be, a report of the circumstances to his official superior.

Procedure thereupon.

**21.** Upon the receipt of any such report the Magistrate shall take such measures as may be necessary for the trial of the accused and the disposal of the property according to law.

Timber, forest-produce, tools, &c., when liable to confiscation.

**22.** (*1*) When any person is convicted of a forest-offence, all timber or other forest-produce in respect of which such offence has been committed, and all tools, boats, carts and cattle used in committing such offence, shall be liable, by order of the convicting Magistrate, to confiscation.

(*2*) Such confiscation may be in addition to any other punishment prescribed for the offence.

Disposal, on conclusion of trial for forest-offence, of timber or produce in respect of which the offence was committed.

**23.** When the trial of any forest-offence is concluded, any timber or other forest-produce in respect of which such offence has been committed shall, if it is the property of Government or has been confiscated, be taken possession of by a Forest-officer specially empowered in this behalf; and may, in any other case, be disposed of in such manner as the Court may order.

Procedure when offender not known or cannot be found.

**24.** (*1*) When the offender is not known or cannot be found, the Magistrate enquiring into the offence, if he finds that an offence has been committed, may, on application on this behalf, order the property in respect of which the offence has been committed to be confiscated and taken possession of by a Forest-officer specially empowered in this behalf, or to be made over to such Forest-officer or other person as the Magistrate considers entitled to receive the same:

Provided that no such order shall be made until the expiration of one month from the date of seizing such property, or without hearing the person (if any) claiming any right thereto and the evidence (if any) which he may produce in support of his claim. . . . .

(*2*) The Magistrate shall either cause a notice of any application under this section to be served upon any person whom he has reason to believe to be interested in the property seized, or publish such notice in such manner as he thinks fit.

Procedure as to perishable property seized under section 20.

**25.** The Magistrate may, notwithstanding anything hereinbefore contained, direct the sale of any property seized under section 20, which is subject to speedy and natural decay, and may deal with the proceeds as he might have dealt with the property itself if it had not been sold.

Appeal from orders under sections 22, 23 and 24.

**26.** Any person claiming to be interested in property seized under section 20 may, within one month from the date of any order passed by a Magistrate under section 22, section 23 or section 24, present an appeal therefrom to the Court to which orders made by such Magistrate are ordinarily appealable; and the order passed on such appeal shall be final.

Property when to vest in Government.

**27.** When an order for the confiscation of property has been passed under section 22 or section 24, and no appeal from such order has been presented within the period prescribed by section 26, or when, on an appeal being presented, the Appellate Court confirms such order in respect of the whole or a portion of the property, such property or portion, as the case may be, shall vest in the Government free from all incumbrances.

Saving of power to release property seized.

**28.** Nothing hereinbefore contained shall be deemed to prevent any officer specially empowered in this behalf from directing at any time the immediate release of any property seized under section 20, and the withdrawal of any charge made in respect of such property.

Penalty for counterfeiting or defacing marks on trees and

**29.** Whoever with intent to cause damage or injury to the public or to any person, or to cause wrongful gain as defined in the Indian Penal Code,[a]— XLV of 1860.

(*a*) knowingly counterfeits upon any timber or standing tree a mark used

[a] See the revised edition of Act XLV of 1860, as modified up to the 1st August, 1890, published by the Legislative Department.

timber and for altering boundary-marks.

by forest-officers to indicate that such timber or tree is the property of the Government or of some person, or that it may lawfully be cut or removed by some person; or

(*b*) unlawfully affixes to any timber or standing tree a mark used by Forest-officers; or

(*c*) alters, defaces or obliterates any such mark placed on any timber or standing tree by or under the authority of a Forest-officer; or

(*d*) alters, moves, destroys or defaces any boundary-mark of any State forest;

shall be punished with imprisonment for a term which may extend to two years, or with fine, or with both.

Power to arrest without warrant.

30. (*1*) Any Forest-officer or Police-officer may, without orders from a Magistrate and without a warrant, arrest any person reasonably suspected of having been concerned in any forest-offence, if such person refuses to give his name and residence, or gives a name and residence which there is reason to believe to be false or if there is reason to believe that he will abscond.

(*2*) Every officer making an arrest under sub-section (*1*) shall, without unnecessary delay, take or send the person arrested before a Magistrate having jurisdiction in the case or to the officer in charge of the nearest police-station.

Punishment for wrongful seizure or arrest.

31. (*1*) Any Forest-officer or Police-officer who vexatiously and unnecessarily seizes any property on pretence of seizing property liable to confiscation under this Law, or who vexatiously and unnecessarily arrests any person, shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

(*2*) Any fine so imposed or any portion thereof shall, if the convicting Magistrate so direct and the fine or portion be recovered, be given, subject to the direction of the last paragraph of section 545 of the Code of Criminal Procedure, 1882, as compensation to the person aggrieved by such seizure or arrest.

X of 1882.

Power to prevent commission of offence.

32. Every Forest-officer and Police-officer shall prevent, and may interfere for the purpose of preventing, the commission of any forest-offence.

Operation of other laws not barred.

33. Nothing in this Law shall be deemed to prevent any person from being prosecuted under any other law for any act or omission which constitutes a forest-offence, or from being liable under such other law to any other or higher punishment or penalty than that provided by this Law:

Provided that no person shall be punished twice for the same offence.

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For Act X of 1882, as modified up to the 10th December, 1888, see the revised edition published by the Legislative Department.

Power to compound offences.

34. (*1*) The Agent to the Governor General may, by notification in the Gazette of India, empower a Forest-officer by name, or as holding an office,—

(*a*) to accept from any person against whom a reasonable suspicion exists that he has committed any forest-offence other than an offence specified in section 29 or section 31, a sum of money by way of compensation for the offence which such person is suspected to have committed, and

(*b*) when any property has been seized as liable to confiscation, to release the same on payment of the value thereof as estimated by such officer.

(*2*) On the payment of such sum of money, or such value, or both, as the case may be, to such officer, the suspected person, if in custody, shall be discharged, the property, if any, seized shall be released, and no further proceedings shall be taken against such person or property.

(*3*) A Forest-officer shall not be empowered under this section unless he is a Forest-officer of a rank not inferior to that of a Ranger and is in receipt of a monthly salary amounting to at least one hundred rupees, and the sum of money accepted as compensation under sub-section (*1*), clause (*a*), shall in no case exceed the sum of fifty rupees.

Presumption that timber or forest-produce belongs to Government.

35. When, in any proceedings taken under this Law, or in consequence of anything done under this Law, a question arises as to whether any timber or other forest-produce is the property of the Government, such timber or produce shall be presumed to be the property of the Government until the contrary is proved.

## CHAPTER VII.

### OF FOREST-OFFICERS.

Governor General may invest Forest-officers with certain powers.

36. (*1*) The Agent to the Governor General may invest any Forest-officer by name, or as holding an office, with all or any of the following powers (that is to say):—

(*a*) the powers of a Civil Court to compel the attendance of witnesses and the production of documents;

(*b*) power to issue search-warrants under the Code of Criminal Procedure[a]; of 1882.

(*c*) power to hold enquiries into forest-offences, and in the course of such enquiries to receive and record evidence;

[a] For Act X of 1882, as modified up to the 15th December, 1895, see the revised edition published by the Legislative Department.

(*d*) power to notify the seasons and manner in which fire may be kindled, kept or carried in a State forest;

(*e*) power to grant the permission referred to in section 9, sub-section (*1*), clause (*a*);

(*f*) power to grant general exemptions under section 17;

(*g*) power to take possession of property under sections 23, 24 and 43;

(*h*) power to direct the release of property and withdrawal of charges under section 28;

and may withdraw any powers so conferred.

(*2*) Evidence recorded under clause (*e*) of this section shall be admissible in any subsequent trial of the alleged offender before a Magistrate:

Provided that it has been taken in the presence of the accused person, and recorded in the manner provided by section 355, section 356 or section 357 of the Code of Criminal Procedure[a].

X of 1882.

Forest-officers deemed public servants.

37. All Forest-officers shall be deemed to be public servants within the meaning of the Indian Penal Code[b].

XLV of 1860

Indemnity for acts done in good faith.

38. No suit or criminal prosecution shall lie against any public servant for anything done or omitted by him in good faith under this Law.

Forest-officer not to trade

39. Except with the permission in writing of the Agent to the Governor General, no Forest-officer shall, as principal or agent, trade in timber or other forest-produce, or be or become interested in any lease or mortgage of any forest, or in any contract for working any forest whether in British or foreign territory.

## CHAPTER VIII.

### MISCELLANEOUS.

Additional power to make rules.

40. The Agent to the Governor General may make rules consistent with this Law—

(*a*) to declare by what Forest-officer or class of Forest-officers the powers or duties conferred or imposed by or under this Law on a Forest-officer shall be exercised or performed;

(*b*) to regulate the rewards to be paid to officers and informers from the proceeds of fines and confiscations under this Law or from the public treasury; and

(*c*) generally, to carry out the provisions of this Law.

[a] For Act X of 1882, as modified up to the 15th December, 1888, see the revised edition published by the Legislative Department.

[b] See the revised edition of Act XLV of 1860, as modified up to the 1st August, 1890, published by the Legislative Department.

Persons bound to give information and assistance to Forest-officer and Police-officer.

41. Every person who is permitted by a Forest-officer, or to whom permission has been granted by the Agent to the Governor General, to pasture cattle in, or to collect and remove any forest-produce from, a State forest, and

every person who is employed by any such person in such forest, and

every person in any village contiguous to such forest who is employed by the Government or who receives emoluments from the Government for services to be performed to the community,

shall be bound to furnish, without unnecessary delay, to the nearest Forest-officer or Police-officer any information he may possess respecting the occurrence of a fire in or near such forest, or the commission of, or intention to commit, any forest-offence; and shall assist any Forest-officer or Police-officer demanding his aid—

(*a*) in extinguishing any fire occurring in such forest;

(*b*) in preventing any fire which may occur in the vicinity of such forest from spreading to such forest;

(*c*) in preventing the commission in such forest of any forest-offence; and

(*d*) when there is reason to believe that any such offence has been committed in such forest, in discovering and arresting the offender.

Recovery of fines and other moneys.

42. All money, other than fines payable to the Government under this Law or under any rule made hereunder, or on account of the price of any timber or other forest-produce, or of expenses incurred in the execution of this Law in respect of such timber or produce, may, if not paid when due, be recovered, under the Law for the time being in force, as if it were an arrear of land-revenue.

Lien on forest-produce for such money.

43. (*1*) When any such money is payable for, or in respect of, any forest-produce, the amount thereof shall be deemed to be a first charge on such produce; and the produce may be taken possession of by a Forest-officer specially empowered in this behalf, and may be retained by him until the amount has been paid.

(*2*) If the amount is not paid when due, the Forest-officer may sell the produce by public auction, and the proceeds of the sale shall be applied first in discharging such amount.

(*3*) The surplus (if any), if not claimed within two months from the date of the sale by the person entitled thereto, shall be forfeited to Government.

Government and its officers not liable for loss or damage in respect of certain timber.

44. The Government shall not be responsible for any loss or damage which may occur in respect of any timber or other forest-produce while at a station established under section 13, or while detained elsewhere for the purposes of this Law, and no Forest-officer shall be responsible for any such loss or damage unless he causes the same negligently, maliciously or fraudulently.

Recovery of

45. When any person, in compliance with any rule under this Law, binds

himself by any instrument to perform any duty or act, or covenants by any instrument that he, or that he and his servants and agents, will abstain from any act, the whole sum mentioned in such instrument as the amount to be paid in case of a breach of the conditions thereof may, notwithstanding anything in section 74 of the Indian Contract Act, 1872, be recovered from him in case of such breach as if it were an arrear of land-revenue. penalties due under bond. IX of 1872.

## CHAPTER IX.

### AMENDMENTS OF THE BALUCHISTAN AGENCY LAWS LAW, 1890.

**46.** After clause (*b*) of section 5 of the Baluchistan Agency Laws Law, 1890, the following shall be added: Amendment of section 5 of Baluchistan Agency Laws Law, 1890.

[*Printed supra, p. 138.*]

**47.** In section 8 of the same Law, after the words "the said territories," the first time they occur, the words "including the Quetta Hackney Carriage Law, 1889, published in the Notification of the Foreign Department, No. 984 (A) E., dated the 18th May, 1889," shall be inserted. Amendment of section 8 of same Law.

**48.** In the schedule to the same Law the portion relating to "Other Laws made by the Governor General in Council" shall be repealed. Repeal of portion of schedule to same Law.

# APPENDIX TO PART II

# LOCAL RULES AND ORDERS MADE FOR THE AGENCY TERRITORIES.

## I.—ORDER UNDER THE ADMINISTRATOR GENERAL'S ACT, 1874[a].

*Notification No. 812 E., dated 19th April, 1890 [published in Gazette of India, 1890, Pt. I, page 247.]*

In exercise of the powers conferred by section 3 of the Administrator General's Act, II of 1874[a], and in supersession of Foreign Department Notification No. 510-E., dated the 2nd March, 1887, the Governor General in Council is pleased to direct, in continuation of Foreign Department Notification No. 101-J., dated the 19th July, 1878, that the territories of His Highness the Khan of Khelat and the territories administered by the Agent to the Governor General in Baluchistan as such Agent shall, for the purposes of the said Act, as regards British subjects of Her Majesty in those territories, be deemed to be included in the Presidency of Bombay.

## II.—RULES UNDER THE OPIUM ACT, 1878[b].

*No. 1624, dated 19th April, 1890 [published in Gazette of India, 1890, Pt. II, page 253]*

In exercise of the powers conferred by sections 5 and 15 of the Opium Act, I of 1878[b], as applied to the territories administered by the Agent to the Governor-General in Baluchistan as such Agent, the Agent to the Governor General in Baluchistan has made the following rules which have received the sanction of the Governor-General in Council, and are now published as required by the Act.

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[a] See the revised edition of Act II of 1874, as modified up to the 1st July, 1890, published by the Legislative Department
Printed, General Acts, 1877-91, Ed. 1891, p. 127.

*(Rules under the Opium Act.)*

*Definitions.*

1. In these rules, unless there is something repugnant in the subject or context—

(1) "Agent to the Governor-General" means the Agent to the Governor General in Baluchistan:

(2) "Political Agent" includes an officer authorised by the Political Agent to exercise all or any of the powers or to perform all or any of the duties conferred or imposed on a Political Agent by these rules:

(3) "licensed contractor" means a person who has obtained a contract from the Political Agent under rule 17 for the exclusive right to sell opium by retail:

(4) "the sale of opium by retail" means the sale of any quantity of poppy-heads not exceeding one seer or of any quantity of other kinds of opium not exceeding three tolas; any other sale is a wholesale sale:

(5) "opium" has the meaning assigned to it in the Opium Act, I of 1878[a], as so applied as aforesaid:

(6) "poppy-heads" means the dry capsules of the poppy-plant:

(7) "import," "export" and "transport" have the respective meanings assigned to them in the Opium Act, I of 1878[a], as so applied as aforesaid.

*Manufacture.*

2. The manufacture by a licensed contractor of preparations or admixtures of opium for retail sale, or for wholesale sale to another licensed contractor, is permitted.

*Possession.*

3. Any person may have in his possession one seer of poppy-heads and three tolas of any other kind of opium, provided that the same has been purchased from a licensed contractor.

4. The possession of more than one seer of poppy-heads and three tolas of opium by a licensed contractor or by his agent is permitted.

5. With the sanction of the Agent to the Governor-General the Political Agent may specially authorise the possession by any person of a quantity of opium of any kind not exceeding one seer.

*Transport.*

6. The transport of opium by a licensed contractor within the limits of

[a] Printed, General Acts, 1877-81, Ed 1884, p 127.

the area for which his contract is granted is permitted. The transport of opium by a licensed contractor beyond those limits is permitted under a pass granted by the Political Agent.

7. (1) When a licensed contractor desires to transport opium beyond the limits of the area for which his contract is granted, he must obtain for each consignment a pass from the Political Agent in such form as the Agent to the Governor General may from time to time prescribe.

(2) The pass shall specify—

(*a*) the time within which the transport must be effected;

(*b*) the place from which the consignment is to be transported;

(*c*) the name of the person in charge of the consignment;

(*d*) the name of the consignee;

(*e*) the number of packages, and the weight and contents of each; and

(*f*) the place to which the consignment is to be transported.

(3) Each package in every such consignment shall be stamped by, or in the presence of, the officer granting the pass, with his official seal.

8. The bulk of a consignment shall not be broken during transport.

9. The Political Agent may, at his discretion, or under orders from the Agent to the Governor-General, make it a condition of the pass that the bulk of the consignment for which it is granted shall not be broken after arrival at its destination as specified in the pass, until after the consignment has been examined by an officer deputed or authorised by the Political Agent for that purpose: Provided that such examination shall be made within seven days from the date on which the Political Agent is informed of the arrival of the consignment.

10. If any officer competent to exercise the powers of seizure, detention and search conferred by sections 14 and 15 of the Opium Act, I of 1878[a], as so applied as aforesaid, finds that the packages are fewer, or the amount of opium less (by more than the dryage allowance of one-quarter per cent.) than the number or amount specified in the pass, he shall immediately report the circumstances to the Political Agent, who will decide whether a prosecution shall, or shall not, be instituted.

*Import.*

11. The importation of opium from British India by a licensed contractor is permitted, subject to the following conditions:—

(*a*) he must obtain from the Political Agent a license specifying—

(1) the quantity of opium required;

[a] Printed, General Acts, 1877-81, Ed. 1884, p. 127.

(2) the source of supply; and

(3) the name of the licensed contractor or his agents; and

(*b*) the opium must be covered by a pass granted by a duly authorised officer of the place from which it is imported.

12. The bulk of a consignment shall not be broken during importation.

13. The Political Agent may, at his discretion, or under orders from the Agent to the Governor-General, make it a condition of the license that the bulk of any consignment of opium imported under a pass as above provided shall not be broken after arrival at its destination, until after the consignment has been examined by an officer deputed or authorised by the Political Agent for that purpose: Provided that such examination shall be made within seven days from the date on which the Political Agent is informed of the arrival of the consignment.

14. If any officer competent to exercise the powers of seizure, detention and search conferred by sections 14 and 15 of the Opium Act, I of 1878[a], as so applied as aforesaid, finds that the packages are fewer or the amount of opium less (by more than the dryage allowance of one-quarter per cent.) than the number or amount specified in the pass, he shall immediately report the circumstances to the Political Agent, who will decide whether a prosecution shall, or shall not, be instituted.

*Sale.*

15. The sale of opium is permitted, subject to the following conditions:—

(*1*) the opium must have been either imported under a license obtained under rule 11 or bought from a licensed contractor;

(*2*) if the sale is by wholesale, it must, unless it is made by one licensed contractor to another, be made under the special order of the Political Agent;

(*3*) if the sale is by retail, it must be made by a licensed contractor or his agent at a shop duly authorised for that purpose by the Political Agent.

16. Any shop at which the sale of opium has been authorised may be closed or removed at the discretion of the Political Agent.

17. Contracts for the exclusive right to sell opium by retail may be granted by the Political Agent with the previous sanction of the Agent to the Governor General. Such contracts shall be put up to auction before the commencement of each official year.

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[a] Printed, General Acts, 1877-81, Ed. 1884, p. 127.

18. Contracts for the exclusive right to sell opium by retail shall be in such form as may from time to time be prescribed by the Agent to the Governor General.

19. Contracts for the exclusive right to sell opium by retail shall be granted for one year only, unless the Agent to the Governor General shall otherwise specifically direct.

20. If any licensed contractor shall, on the expiry of his contract, have in his possession any opium which he is unable to dispose of to the satisfaction of the Political Agent by private sale to other licensed contractors, he shall surrender the same to the Political Agent; and the in-coming licensed contractor, or, if the expired contract is renewed, any licensed contractor within the district, shall, when required by the Political Agent, be bound to purchase the opium aforesaid to the extent of two months' supply, at such price, and in such quantities, as the Political Agent shall adjudge: Provided that the price of the opium thus adjudged shall in no case exceed the rate at which opium can be procured under a license obtained under rule 11: Provided also that if such opium be declared by the Civil Surgeon or other principal medical officer to be unfit for use, the Political Agent shall cause the same to be destroyed.

*Import and Export within local limits of contracts of licensed contractors.*

21. When the local area to which the contract of a licensed contractor extends is partly in the territories administered by the Agent to the Governor General in Baluchistan as such Agent and partly in British Baluchistan, the licensed contractor may import and export opium from one part of such local area to another, and in every such case rules 7 to 10, both inclusive, shall apply

*Disposal of things confiscated.*

22. Opium confiscated under the Opium Act, I of 1878[a], as so applied as aforesaid, shall be examined by the Civil Surgeon or other principal medical officer, and, if declared by him to be fit for use, shall be sent to the nearest Government treasury, and be disposed of as the Political Agent may direct. If declared to be unfit for use, it shall be immediately destroyed.

23. All property, other than opium, which is confiscated under the said Act shall be sold under the orders of the Magistrate or other officer by whom the confiscation was adjudged.

*Rewards.*

24. Any Magistrate convicting an offender under section 9, or any

[a] Printed, General Acts, 1877-81, Ed. 1884, p. 127.

Magistrate or other authorised officer ordering the confiscation of opium under section 12 of the Opium Act, I of 1878[a], as so applied as aforesaid, may grant a reward not exceeding the value of the opium confiscated, together with the amount of any fine realised, in such proportions as he may think fit, to any person or persons who have contributed to the seizure of the opium or the conviction of the offender.

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## III.—ORDERS UNDER ACT XXI OF 1879[b], APPOINTING JUSTICES OF THE PEACE.

*Notification No. 813E., dated 19th April, 1890* [*published in Gazette of India, 1890, Pt. I, page 247*].

In exercise of the powers conferred by section 6 of the Foreign Jurisdiction and Extradition Act, XXI of 1879[b], the Governor General in Council is pleased to appoint the following officers, being European British subjects, to be Justices of the Peace within the territories of His Highness the Khan of Khelat, and the territories administered by the Agent to the Governor-General in Baluchistan as such Agent, and to direct that the Chief Court of the Punjab shall be the Court to which the said Justices of the Peace shall commit European British subjects for trial :—

*The Officers above referred to.*

The Agent to the Governor General in Baluchistan.

The Political Agents—

(*a*) Quetta.

(*b*) Zhob.

(*c*) Kelat and Bolan Pass.

(*d*) South-Eastern Baluchistan.

(*e*) Loralai and Railway District.

*Notification No. 814-E., dated 19th April, 1890* [*published in Gazette of India, 1890, Part I, page 248*].

In exercise of the powers conferred by section 6 of the Foreign Jurisdiction and Extradition Act, XXI of 1879[b], the Governor-General in Council is pleased to appoint the Cantonment Magistrate for the time being of the cantonment of Quetta, being a European British subject, to be a Justice of the Peace within the limits of that cantonment, and to direct that the Chief Court of the

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[a] Printed, General Acts, 1877-81, Ed. 1884, p. 127.
[b] Printed, General Acts, 1877-81, Ed. 1884, p. 358.

Punjab shall be the Court to which the said Justice of the Peace shall commit European-British subjects for trial.

## IV.—ORDERS UNDER THE CODE OF CIVIL PROCEDURE.

*No. 1361 I., dated 29th March, 1889* [*published in Gazette of India, 1889, Pt. I, page 184*].

XIV of 1882. With reference to sections 90, 229, 229A, 229B and 650A[a] of the Code of Civil Procedure[a], the Governor General in Council is pleased to notify that the following Courts, among others, are Courts established or continued by the Governor General in Council in the territories of Foreign Princes and States, namely:—

* * * * * *

*Baluchistan Agency.*

All Civil Courts in the territories administered by the Agent to the Governor General in Baluchistan as such Agent[b].

* * * * * *

*No. 1362 I., dated 29th March, 1889* [*published in Gazette of India, 1889, Pt. I, page 185*].

In exercise of the powers conferred by sections 4 and 5 of the Foreign
XXI of 1879. Jurisdiction and Extradition Act, 1879[c], and of all other powers enabling him in this behalf, the Governor General in Council is pleased to declare section
XIV of 1882. 229A of the Code of Civil Procedure[a] to apply to the Courts specified in the Schedule hereto, and to notify that a decree of any Court situate in British India, which cannot be executed within the jurisdiction of the Court by which it was made, may, if sent for execution to a Court specified in the schedule, be executed by that Court to the same extent and in the same manner as that Court might execute within the limits of its jurisdiction a decree made by itself.

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[a] See the revised edition of Act XIV of 1882, as modified up to the 1st July, 1888, published by the Legislative Department

[b] As amended by Notification No. 1480-E., dated the 17th July, 1890, published in Gazette of India, 1890, Pt. I, p. 530.

[c] Printed, General Acts, 1877-81, Ed. 1884, p. 358.

Schedule.

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*Baluchistan Agency.*

All Civil Courts in the territories administered by the Agent to the Governor General in Baluchistan as such Agent[a].

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## V.—ORDER UNDER ACT II OF 1886.

*No. 4135 I., dated 16th September, 1887 [published in Gazette of India, 1887, Pt. I, page 465].*

In exercise of the powers conferred by section 40 of Act II of 1886[b] (the Income-tax Act, 1886), the Governor General in Council is pleased to invest each of the Political Officers named below with the powers of a Collector under the said Act for the purpose of granting certificates in respect of interest on Government securities in Forms B, C and D, prescribed in rule 9 of the notification issued by the Government of India in the Department of Finance and Commerce, No. 593, dated the 5th February, 1886[c], when such securities are held by persons residing outside of British India:—

* * * * * *

[d](24) The Political Agent, Quetta.

[d](25) The Political Agent, Zhob.

[d](26) The Political Agent, Kalat and Bolan Pass.

[d](27) The Political Agent in South-Eastern Baluchistan.

[d](28) The Political Agent, Loralai and Railway District.

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[a] As amended by Notification No. 1481E., dated the 17th July, 1890, published in Gazette of India, 1890, Pt. I, p. 530.

For further notifications as to the application of the Code of Civil Procedure in respect of Native territory generally, see Gazette of India, 1889, Pt. I, pp. 186, 187.

[b] Printed, General Acts, 1885-88, Ed. 1889, p. 80.

[c] See now Notification No. 2763, dated the 6th June 1890, in Gazette of India, 1890, Pt I, p. 469.

[d] As amended by Notification No. 1479E., dated the 17th July, 1890, published in Gazette of India, 1890, Pt. I, p. 530.

## VI.—ORDERS UNDER THE BIRTHS, DEATHS AND MARRIAGES REGISTRATION ACT, VI OF 1886[a].

*No. 344-I., dated 25th January, 1889 [published in Gazette of India, 1889, Pt. I, page 54].*

In exercise of the powers conferred by section 13 of the Births, Deaths and Marriages Registration Act, VI of 1886[a], the Governor General in Council is pleased to appoint—

(*1*) the person holding the office of Political Agent, Quetta and Pishin[b], for the time being, to be a Registrar of Births and Deaths for the Quetta District and the Bolan Pass, including Rindli;[c] and

(*2*) the person holding the office of Political Agent, Thal-Chotiali, for the time being, to be a Registrar of Births and Deaths for the line of railway[d] from the frontier of British India near Jacobabad to the frontier of British Baluchistan near Sibi[e], in respect of the classes of persons indicated in section 11, sub-section (*1*), clause (*b*) of the said Act;

(*3*) all Ministers of Religion from time to time empowered to solemnize marriages under the Indian Christian Marriage Act[f], or who have been, or may hereafter be, under the said Act appointed Marriage Registrars or licensed to grant certificates of marriage between Native Christians, within either of the local areas specified above, to be Registrars of Births and Deaths for such local areas respectively in respect of persons they baptize or whose funeral ceremonies they perform.

XV of 1872.

II For the purposes of section 24, sub-section (*2*), and section 32 of the said Act, the Governor General in Council is further pleased to appoint the Registrar General of Births, Deaths and Marriages for the Punjab, for the time being, to be the Registrar General for the Quetta District, the Bolan Pass, including Rindli[c] and the line of railway from the frontier of British India near Jacobabad to the frontier of British Baluchistan near Sibi[e].

[a] Printed, General Acts, 1885-88, Ed. 1889, p. 51.

[b] Now Political Agent, Quetta, only.

[c] The Bolan Pass is now under the jurisdiction of the Political Agent, Kalat and Bolan Pass.

[d] This line of railway is now under the jurisdiction of the Political Agent, Loralai and Railway District.

[e] As amended by Notification No. 2008E., dated the 10th October, 1889, printed *infra*, p. 194.

[f] Printed, General Acts, 1867-76, Ed. 1887, p. 395.

*(Orders under the Births, Deaths and Marriages Registration Act; Orders under the Sind-Pishin Railway Act.)*

*No. 2008E., dated 19th October, 1889 [published in Gazette of India, 1889, Pt. I, page 654].*

*Erratum*.—In Foreign Department Notification No. 344 I., dated the 25th January, 1889,[a] *for* the words "the Assigned District of Sibi," wherever they occur, *read* the words "British Baluchistan near Sibi."

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## VII.—ORDERS UNDER THE SIND-PISHIN RAILWAY ACT, XI OF 1887[b].

*No. 910E., dated 2nd May, 1890 [published in Gazette of India, 1890, Pt. I, page 343].*

In exercise of the powers conferred by section 3, sub-sections (*2*) and (*3*), of the Sind-Pishin Railway Act, XI of 1887[b], as applied to the territories administered by the Agent to the Governor General in Baluchistan as such Agent, and of all other powers enabling him in this behalf, the Governor General in Council is pleased to extend the Indian Railways Act, IX of 1890[c], to that part of the Sind-Pishin Section of the North-Western Railway which lies within the aforesaid territories, subject to the following modifications, namely :—

*Sections 3 (4), 4 (2) (a), 17 (1), 18, 19 (1) (e), 20 (1), 21, 23 (1) and 24 (1).*—The word "public" shall be omitted wherever it occurs before the word "carriage".

*Section 11 (3) (b).*—The word "public" shall be omitted where it occurs before the word "traffic".

*Section 19.*—For clause (*f*) of sub-section (*1*) the following shall be substituted, namely :—

"(*f*) that the rolling stock and way and works of the railway are suitable for the carriage of passengers;"

For the first twenty words of sub-section (*2*) the following shall be substituted, namely :—

"If in the opinion of the Inspector the rolling stock and way and works of the railway are not suitable for the carriage of passengers"

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[a] Printed *supra*, p. 103.
[b] Printed *supra*, p. 49.
[c] Published in Gazette of India, 1890, Pt. IV, p. 42

For the last twelve words of sub-section (3) the following shall be substituted, namely :—

"the rolling stock and way and works of the railway are suitable for the carriage of passengers."

*Section 21* (*a*).—For the words "be attended with danger to the public using the line and works or the diversion" the following shall be substituted, namely :—

"affect the degree of safety under which the railway was first opened for the carriage of passengers".

*Section 23* (*1*).—For the words "the use of the railway or of any specified rolling stock will be attended with danger to the public using it" the following words shall be substituted, namely :—

"the railway or any specified rolling stock is not in a fit state for the carriage of passengers".

*Chapter V* shall be omitted.

*Section 66.*—The following words shall be prefixed to this section, namely :—

"Subject to the provisions of section 4, sub-section (*1*), of the Sind-Pishin Railway Act, 1887,".

*Section 72.*—The following paragraph shall be added to this section, namely :—

"Special contracts limiting liability in accordance with the provisions of this section may continue to be made notwithstanding any notification issued by Governor General in Council under section 5 of the Sind-Pishin Railway Act, XI of 1887."

*No. 911E., dated 2nd May, 1890* [*published in Gazette of India, 1890, Pt. I, page 344*].

Under section 5 of the Sind-Pishin Railway Act, XI of 1887[a], as applied to the territories administered by the Agent to the Governor General in Baluchistan as such Agent, the Governor General in Council is pleased to announce that, subject to the provisions of the Indian Railways Act, IX of 1890[b], as extended by Notification No. 910E. of this date, the Government accepts responsibility,—

(*a*) to the same extent as on State Railways generally, for injury happening to the person, or for loss or damage occurring in respect

[a] Printed *supra*, p. 49.
[b] Published in Gazette of India, 1890, Pt. IV. p. 42.

of animals or goods, on that part of the Sind-Pishin Section of the North-Western Railway which lies between the frontier of the Province of Sind and the Sibi Junction Station, and,

(*b*) to an amount not exceeding in any case one thousand rupees, for injury happening to the person, or for loss or damage occurring in respect of animals or goods comprised in any consignment or consignments despatched by one consignor, or to one consignee by several consignors, and in transit or warehoused, on any part of the Sind-Pishin Section of the North-Western Railway, other than the part specified in clause (*a*) of this notification, which may be, from time to time, open for traffic.

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## VIII.—ORDER CONTINUING THE EXISTING QUETTA CANTONMENT RULES AND REGULATIONS AS A TEMPORARY MEASURE.

*Notification No. 818E., dated 19th April, 1890* [*published in Gazette of India, 1890, Pt. I, page 249*].

In exercise of the powers conferred by section 26 of the Cantonments Act, 1889[a], as applied to the territories administered by the Agent to the Governor General in Baluchistan as such Agent, and of all other powers enabling him in this behalf, the Governor General in Council is pleased to declare that the rules and regulations extended to the Cantonment of Quetta by Foreign Department Notification No. 1255E., dated the 21st May; 1884, as explained by Foreign Department Notification No. 156E., dated the 7th February 1885, shall continue in force in that cantonment as a temporary measure. XIII of 1889.

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## IX.—ORDERS CONSTITUTING DISTRICTS AND TAHSILS UNDER THE BALUCHISTAN AGENCY LAWS LAW, 1890[b].

*Notification No. 290C., dated 19th April, 1890* [*published in Gazette of India, 1890, Pt. II, page 188*].

In exercise of the powers conferred by section 3 of the Baluchistan Agency Laws Law, 1890[b], the Agent to the Governor General in Baluchistan is pleased

[a] *Sic: read* 1889. Act XIII of 1889 is published in Gazette of India, 1889, Pt IV, p. 86.
[b] Printed *supra*, p. 137.

to divide the territories administered by him as such Agent into four districts, namely :—

The Quetta District,
The Zhob District,
The Bolan Pass District,
The Loralai and Railway District,

and the abovenamed districts into tahsils, namely :—

| Districts. | Tahsils. |
|---|---|
| Quetta | Quetta. |
| Zhob | (1) Bori.<br>(2) Barkhan.<br>(3) Lower Zhob.<br>(4) Upper Zhob. |
| Bolan Pass | Bolan Pass. |
| Loralai and Railway | (1) Loralai.<br>(2) Railway.<br>(*N B.*—This is for the Railway from Sibi to Jacobabad and from Nari to Spin Tangi.) |

*No. 603 F, C., dated 30th July, 1890* [*published in Gazette of India, 1890, Pt. II, page 496*].

In exercise of the powers conferred by section 3 of the Baluchistan Agency Laws Law, 1890, and in supersession, so far as may be necessary, of this office Notification No. 290C. of the 19th April, 1890, the Agent to the Governor General is pleased to divide the territory therein described as the Zhob District into the following tahsils :—

| | |
|---|---|
| (1) Bori. | (3) Lower Zhob. |
| (2) Barkhan. | (4) Upper Zhob. |

## X.—ORDERS UNDER THE CODE OF CRIMINAL PROCEDURE[b] AS APPLIED BY THE BALUCHISTAN AGENCY CRIMINAL JUSTICE LAW, 1890[c].

*Notification No. 291C., dated 19th April, 1890* [*published in Gazette of India, 1890, Pt. II, page 188*].

By direction of the Governor General in Council, and in exercise of powers

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As amended by Notification No 603, dated the 30th July, 1890, printed on this page.

[b] For Act X of 1882, see the revised edition, as modified up to the 15th December, 1888, published by the Legislative Department.

[c] Printed *supra*, p. 148.

*(Orders under the Code of Criminal Procedure as applied by the Baluchistan Agency Criminal Justice Law.)*

conferred on the Local Government by the Code of Criminal Procedure, 1882[a], as applied to the territories administered by the Agent to the Governor General in Baluchistan as such Agent, and by the Baluchistan Agency Civil Justice Law, 1890[b], the Agent to the Governor General is pleased to issue the following orders :— X of 1882.

(*1*) Each of the districts specified in Notification No. 290C. of this date shall be a district for the purposes of the Code of Criminal Procedure, 1882[a], as applied to the territories above referred to, and shall be the area subject to the jurisdiction of the Court of a Political Agent for the purposes of the Baluchistan Agency Civil Justice Law, 1890[b].

(*2*) The person for the time being appointed by the Governor General in Council to hold the office of Political Agent in each of those districts shall be a Magistrate of the first class and the District Magistrate for the purposes of the Code of Criminal Procedure, 1882[a], as applied to the territories above referred to.

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*Notification No. 294C., dated 19th April, 1890 [published in Gazette of India, 1890, Pt. II, page 189].*

In exercise of the powers conferred on the Local Government by section 8 of the Code of Criminal Procedure, 1882[a], as applied to the territories administered by the Agent to the Governor General in Baluchistan as such Agent, the Agent to the Governor General is pleased to divide the districts of Quetta, Zhob and Loralai and the Railway into the following subdivisions, namely :— X of 1882.

| District. | Subdivision. |
|---|---|
| The Quetta District . . . . . | The Quetta Subdivision. |
| The Zhob District . . . . . | (1) The Bori Subdivision.<br>(2) The Barkhan Subdivision.<br>(3) The Lower Zhob Subdivision.<br>(4) The Upper Zhob Subdivision. |
| The Loralai and Railway District . . | (1) The Loralai Subdivision.<br>(2) The Railway Subdivision. |

[a] For Act X of 1882, see the revised edition, as modified up to the 15th December, 1888, published by the Legislative Department.

[b] Printed *supra*, p. 151.

[c] As amended by Notification No. 606F C., dated the 30th July, 1890, printed *infra*, p. 199.

*(Orders under the Code of Criminal Procedure as applied by the Baluchistan Agency Criminal Justice Law.)*

*No. 606 F.C., dated 30th July, 1890 [published in Gazette of India, 1890, Pt. II, page 496].*

In exercise of the powers conferred on the Local Government by section 8 of the Code of Criminal Procedure, 1882,[a] as applied to the territories administered by the Agent to the Governor General in Baluchistan as such Agent, and in supersession, so far as may be necessary, of this office Notification No. 294C., dated the 19th April, 1890, the Agent to the Governor General is pleased to divide the Zhob District into the following Subdivisions :—

X of 1882.

| | |
|---|---|
| (1) Bori. | (3) Lower Zhob. |
| (2) Barkhan. | (4) Upper Zhob. |

*Notification No. 295C., dated 19th April, 1890 [published in Gazette of India, 1890, Pt. II, page 189].*

In exercise of the powers conferred on the Local Government by section 12 of the Code of Criminal Procedure, 1882[a], as applied to the territories administered by the Agent to the Governor General in Baluchistan as such Agent, the Agent to the Governor General is pleased to appoint the persons for the time being holding the offices specified in the first column of the annexed table to be Magistrates of the class specified opposite those offices in the second column of that table, in the local areas specified opposite those offices in the third column of that table, respectively :—

X of 1882

| I.—Offices. | II.—Classes. | III.—Local areas. |
|---|---|---|
| The office of Assistant Political Agent of Quetta. | First class | The Quetta District. |
| The office of Extra Assistant Commissioner of Quetta. | Ditto | Ditto. |
| The office of Assistant Political Agent of Zhob. | Ditto | The Zhob District. |
| The office of Extra Assistant Commissioner of Zhob. | Ditto | Ditto. |
| The office of Assistant Political Agent of Loralai and the Railway. | Ditto | The Loralai and Railway District. |
| The office of Extra Assistant Commissioner of the Railway. | First class | The Railway Subdivision. |

[a] For Act X of 1882, see the revised editiog, as modified up to the 15th December, 1888, published by the Legislative Department.

[b] But see Notification No 607 F C., dated the 30th July, 1890, printed *infra*, p. 200.

*(Orders under the Code of Criminal Procedure as applied by the Baluchistan Agency Criminal Justice Law.)*

| I.—Offices. | II.—Classes. | III.—Local areas. |
|---|---|---|
| The office of Extra Assistant Commissioner of Loralai. | First class . | The Loralai Subdivision. |
| The office of Treasury Officer of Quetta . | Second class . | The Quetta Subdivision. |
| The office of Munsif of Quetta . . . | Ditto . . | Ditto. |
| The office of Tahsildár of Quetta . . | Ditto . . | Ditto. |
| The office of Native Assistant in the Bolan . | Ditto . . | The Bolan Pass District. |
| The office of Tahsildár of Zhob . . | Ditto . . | The Zhob Subdivision. |
| The office of Tahsildár of Bori . . . | Ditto . . | The Bori Subdivision. |
| The office of Tahsildár of Barkhan . . | Ditto . . | The Barkhan Subdivision. |
| The office of Naib Tahsildár of Quetta . . | Third class . | The Quetta Subdivision. |
| The office of Naib Tahsildár of Bori . . | Ditto . . | The Bori Subdivision. |

*No. 607 F. C., dated 30th July, 1890 [published in Gazette of India, 1890, Pt. II, page 497].*

In exercise of the powers conferred on the Local Government by section 12 of the Code of Criminal Procedure, 1882[b], as applied to the territories administered by the Agent to the Governor General in Baluchistan as such Agent, and in supersession, so far as may be necessary, of this office Notification No. 295C., dated the 19th April, 1890, the Agent to the Governor General is pleased to appoint the persons for the time being holding the offices specified in the first column of the annexed table to be Magistrates of the class specified opposite those offices in the second column of that table, in the local areas specified opposite to those offices in the third column of that table, respectively :— X of 1882.

| I.—Offices. | II.—Classes. | III.—Local areas. |
|---|---|---|
| The office of 1st Native Assistant to the Governor General's Agent and Extra Assistant Commissioner, Zhob District. | First-class | The Zhob District. |

[a] But see Notification No. 607 F. C., dated the 30th July, 1890, on this page.
[b] For Act X of 1882, see the revised edition, as modified up to the 15th December, 1885, published by the Legislative Department.

*(Orders under the Code of Criminal Procedure as applied by the Baluchistan Agency Criminal Justice Law.)*

| I.—Offices. | II.—Classes. | III.—Local areas. |
|---|---|---|
| The office of 2nd Native Assistant to the Governor General's Agent and Extra Assistant Commissioner, Zhob District. | First class | The Zhob District. |
| The office of Tahsildár of Lower Zhob | Second class | The Lower Zhob Subdivision. |
| The office of Tahsildár of Upper Zhob | Ditto | The Upper Zhob Subdivision. |
| The office of Naib Tahsildár of Lower Zhob. | Third class | The Lower Zhob Subdivision. |
| The office of Naib Tahsildár of Upper Zhob. | Ditto | The Upper Zhob Subdivision. |
| The office of Naib Tahsildár of Barkhan | Ditto | The Barkhan Subdivision. |

*Notification No. 297C., dated 19th April, 1890 [published in Gazette of India, 1890, Pt. II, page 189].*

In exercise of the powers conferred on the Local Government by section 206 of the Code of Criminal Procedure, 1882[a], as applied to the territories administered by the Agent to the Governor General in Baluchistan as such Agent, the Agent to the Governor General is pleased to empower Munshi Najaf Ali, Native Assistant in the Bolan Pass, and Second Class Magistrate, to commit any person for trial to the Court of Session, or High Court, in accordance with the provisions of the above quoted section.

X of 1882.

*No. 3619, dated the 11th July, 1890 [published in Gazette of India, 1890, Pt. II, page 457].*

In exercise of the powers conferred on the Local Government by section 407 of the Code of Criminal Procedure, 1882[a], as applied to the territories administered by the Agent to the Governor General in Baluchistan as such Agent, the Agent to the Governor General is pleased to empower the persons for the time being holding the offices specified in the first column of the annexed table, to hear appeals from the decisions of any 2nd or 3rd class Magistrate

X of 1882.

[a] For Act X of 1882, see the revised edition, as modified up to the 15th December, 1888, published by the Legislative Department.

exercising jurisdiction within the local areas specified opposite those offices in the second column of that table, respectively :—

| I.—Offices. | II.—Local areas. |
|---|---|
| The office of Assistant Political Agent and 1st class Magistrate of Quetta. | The Quetta Subdivision. |
| The office of Extra Assistant Commissioner and 1st class Magistrate of Quetta. | The Quetta Subdivision. |
| The office of Assistant Political Agent and 1st class Magistrate of Zhob. | The Zhob District. |
| The office of 1st Extra Assistant Commissioner and 1st class Magistrate of Zhob. | The Zhob District. |

## XI.—ORDERS UNDER THE BALUCHISTAN AGENCY CIVIL JUSTICE LAW, 1890[a].

*Notification No. 291C., dated 19th April, 1890 [published in Gazette of India, 1890, Pt. II, page 188].*

By direction of the Governor-General in Council, and in exercise of powers conferred on the Local Government by the Code of Criminal Procedure, 1882,[b] as applied to the territories administered by the Agent to the Governor General in Baluchistán as such Agent, and by the Baluchistan Agency Civil Justice Law, 1890[a], the Agent to the Governor General is pleased to issue the following orders :— X of 1882.

(*1*) Each of the districts specified in Notification No. 290-C. of this date shall be a district for the purposes of the Code of Criminal Procedure, 1882[b], as applied to the territories above referred to, and shall be the area subject to the jurisdiction of the Court of a Political Agent for the purposes of the Baluchistan Agency Civil Justice Law, 1890[a].

(*2*) The person for the time being appointed by the Governor General in Council to hold the office of Political Agent in each of those districts shall be a Magistrate of the first class and the District Magistrate for the purposes of the Code of Criminal Procedure, 1882[b], as applied to the territories above referred to.

[a] Printed *supra*, p. 151.

[b] For Act X of 1882, see the revised edition, as modified up to the 15th December, 1888, published by the Legislative Department.

*Notification No. 292C., dated 19th April, 1890 [published in Gazette of India, 1890, Pt. II, page 188].*

In exercise of the powers conferred by sections 4 and 5 of the Baluchistan Agency Civil Justice Law, 1890[a], the Agent to the Governor General, with the previous sanction of the Governor General in Council, is pleased to constitute the undermentioned Courts, and to fix the local limits of the jurisdiction of each such Court as follows:—

| Name of Court.[b] | Local limits of jurisdiction.[b] |
|---|---|
| *I.—Courts of the Assistant Political Agents, the Extra Assistant Commissioners and the Native Assistant.* | |
| The Court of the Assistant Political Agent of Quetta. | The Quetta District. |
| The Court of the Extra Assistant Commissioner of Quetta. | Ditto. |
| The Court of the Assistant Political Agent of Zhob. | The Zhob District. |
| The Court of the Native Assistant in the Bolan. | The Bolan Pass District. |
| The Court of the Assistant Political Agent of Loralai and the Railway. | The Loralai and Railway District. |
| The Court of the Extra Assistant Commissioner of the Railway. | The Railway Tahsil. |
| The Court of the Extra Assistant Commissioner of Loralai. | The Loralai Tahsil. |
| *II.—Courts of the Tahsildars and Munsifs.* | |
| The Court of the Senior Munsif of Quetta | The Quetta Tahsil. |
| The Court of the Tahsildár of Quetta | Ditto ditto. |
| The Court of the Munsif of Quetta | Ditto ditto. |
| The Court of the Tahsildár of Bori | The Bori Tahsil. |
| The Court of the Tahsildár of Barkhan | The Barkhan Tahsil. |

[a] Printed *supra*, p 151.

[b] The references superseded by Notification No, 604 F. C., dated the 30th July, 1890 (printed *infra*, p. 204), have been omitted.

| Name of Court. | Local limits of jurisdiction. |
|---|---|
| *III.—Courts of the Naib Tahsíldárs.* | |
| The Court of the Naib Tahsíldár of Quetta | The Quetta Tahsil. |
| The Court of the Naib Tahsíldár of Bori | The Bori Tahsil. |

*No. 604 F. C., dated 30th July, 1890* [*published in Gazette of India, 1890, Pt. II, page 496*].

In exercise of the powers conferred by sections 4 and 5 of the Baluchistan Agency Civil Justice Law, 1890[a], and in supersession of that part of this office Notification No. 292C., dated the 19th April, 1890, which refers to the Extra Assistant Commissioner and the Tahsíldár of Zhob, the Agent to the Governor General, with the previous sanction of the Governor General in Council, is pleased to constitute the undermentioned additional Courts, and to fix the local limits of the jurisdiction of each such Court as follows :—

| Name of Court. | Local limits of jurisdiction. |
|---|---|
| The Court of the 1st Native Assistant to the Governor General's Agent and Extra Assistant Commissioner of Zhob. | The Zhob District. |
| The Court of the 2nd Native Assistant to the Governor General's Agent and Extra Assistant Commissioner of Zhob. | The Zhob District. |
| The Court of the Tahsíldár of Lower Zhob | The Lower Zhob Tahsil. |
| The Court of the Tahsíldár of Upper Zhob | The Upper Zhob Tahsil. |
| The Court of the Naib Tahsíldár of Lower Zhob. | The Lower Zhob Tahsil. |
| The Court of the Naib Tahsíldár of Upper Zhob. | The Upper Zhob Tahsil. |
| The Court of the Naib Tahsíldár of Barkhan. | The Barkhan Tahsil. |

*Notification No. 817E., dated 19th April, 1890* [*published in Gazette of India, Pt. I, page 248*].

In exercise of the powers conferred by section 3, sub-section (*1*), of the Baluchistan Agency Civil Justice Law, 1890[a], the Governor General in Coun-

[a] Printed *supra*, p. 151.

cil is pleased to appoint the persons for the time being holding the offices specified in the first column of the annexed table to be the presiding officers of the Courts specified opposite those offices in the second column of that table, respectively:

| Offices. | Courts. |
|---|---|
| The office of Agent to the Governor General in Baluchistan. | The Court of the Agent to the Governor General. |
| The office of Political Agent, Quetta . . | The Court of the Political Agent, Quetta. |
| The office of Political Agent, Zhob . . | The Court of the Political Agent, Zhob. |
| The office of Political Agent, Bolan Pass . | The Court of the Political Agent, Bolan Pass. |
| The office of Political Agent, Loralai and Railway District. | The Court of the Political Agent, Loralai and Railway District. |
| The office of the Assistant Political Agent, Quetta. | The Court of the Assistant Political Agent, Quetta. |
| The office of the Assistant Political Agent, Zhob. | The Court of the Assistant Political Agent, Zhob. |
| The office of the Assistant Political Agent, Loralai and Railway District. | The Court of the Assistant Political Agent, Loralai and Railway District. |
| The office of Extra Assistant Commissioner, Quetta. | The Court of the Extra Assistant Commissioner, Quetta. |
| The office of Extra Assistant Commissioner, Zhob. | The Court of the Extra Assistant Commissioner, Zhob. |
| The office of Second Extra Assistant Commissioner, Zhob.[a] | The Court of the Second Extra Assistant Commissioner, Zhob. |
| The office of Extra Assistant Commissioner, Loralai. | The Court of the Extra Assistant Commissioner, Loralai. |
| The office of Extra Assistant Commissioner, Railway District. | The Court of the Extra Assistant Commissioner, Railway District. |
| The office of Native Assistant, Bolan Pass . | The Court of the Native Assistant, Bolan Pass. |

*Notification No. 2930., dated 19th April, 1890* [*published in Gazette of India, 1890, Pt. II, page 188*].

In exercise of the powers conferred by section 3, sub-section (*2*), of the Baluchistan Agency Civil Justice Law, 1890[b]; the Agent to the Governor

[a] Inserted by Notification No. 1432E, dated the 9th July, 1890, printed *infra*, p. 207.
[b] Printed *supra*, p. 151.

General is pleased to appoint the persons for the time being holding the offices specified in the first column of the annexed table to be the presiding officers of the Courts specified opposite those offices in the second column of that table respectively :—

| Offices[a]. | Courts[a]. |
|---|---|
| The office of Treasury Officer of Quetta . | The Court of the Senior Munsif of Quetta. |
| The office of Munsif of Quetta . . . | The Court of the Munsif of Quetta. |
| The office of Tahsíldár of Quetta . . | The Court of the Tahsíldár of Quetta. |
| The office of Tahsíldár of Bori . . . | The Court of the Tahsíldár of Bori. |
| The office of Tahsíldár of Barkhan . . | The Court of the Tahsíldár of Barkhan. |
| The office of Naib Tahsíldár of Quetta . | The Court of the Naib Tahsíldár of Quetta. |
| The office of Naib Tahsíldár of Bori . . | The Court of the Naib Tahsíldár of Bori. |

*No. 605 F. C., dated 30th July, 1890 [published in Gazette of India, 1890, Pt II, page 496].*

In exercise of the powers conferred by section 3, sub-section (*2*), of the Baluchistan Agency Civil Justice Law, 1890[b], and in supersession of that part of this office Notification No. 293C., dated the 19th April, 1890, which refers to the Tahsíldár of Zhob, the Agent to the Governor General is pleased to appoint the persons for the time being holding the offices specified in the first column of the annexed table to be the presiding officers of the Courts specified opposite those offices in the second column of that table, respectively :—

| Offices | Courts. |
|---|---|
| The office of Tahsíldár of Lower Zhob . . | The Court of the Tahsíldár of Lower Zhob. |
| The office of Tahsíldár of Upper Zhob . . | The Court of the Tahsíldár of Upper Zhob. |
| The office of Naib Tahsíldár of Lower Zhob . | The Court of the Naib Tahsíldár of Lower Zhob. |
| The office of Naib Tahsíldár of Upper Zhob . | The Court of the Naib Tahsíldár of Upper Zhob. |
| The office of Naib Tahsíldár of Barkhan . | The Court of the Naib Tahsíldár of Barkhan. |

[a] The references superseded by Notification No. 605 F. C., dated the 30th July, 1890 (printed on this page) have been omitted.

[b] Printed *supra*, p. 151.

*(Orders under the Baluchistan Agency Civil Justice Law; Order cancelling certain prior Notifications.)*

*Notification No. 296E., dated 19th April, 1890 [published in Gazette of India, 1890, Pt. II, page 189].*

In exercise of the powers conferred by section 6 (*b*) of the Baluchistan Agency Civil Justice Law, 1890[a], the Agent to the Governor General is pleased to direct that Mr. S. H. King, Senior Munsif of Quetta, shall exercise jurisdiction in original suits of value not exceeding one thousand rupees, and that Pandit Nand Lall, Munsif of Quetta, shall exercise jurisdiction in original suits of value not exceeding five hundred rupees.

*No. 1432E., dated 9th July, 1890 [published in Gazette of India, 1890, Pt. I, page 519].*

In continuation of Foreign Department Notification No. 817E., dated 19th April, 1890, the Governor General in Council is pleased to direct that the following office and Court shall be inserted in the first and second columns of the table annexed to that notification between the entries relating to "the office of Extra Assistant Commissioner, Zhob," and "the office of Extra Assistant Commissioner, Loralai," namely:—

The office of Second Extra Assistant Commissioner, Zhob.

The Court of the Second Extra Assistant Commissioner, Zhob.

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## XII.—ORDER CANCELLING CERTAIN PRIOR NOTIFICATIONS.

*Notification No. 815E., dated 19th April, 1890 [published in Gazette of India, 1890, Pt. I, page 248].*

The following Notifications of the Government of India in the Foreign Department are hereby cancelled:—

1.—Notifications respecting the appointment of Justices of the Peace in Baluchistan—

No. 50E., dated the 5th January, 1884.
" 1839E., " 1840E., " 1841E., } dated the 5th December, 1885.

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[a] Printed *supra*, p. 151.

II.—Notifications extending or applying enactments to the districts within the Baluchistan Agency or certain places within those districts—

No. 45E., } dated the 5th January, 1884.
„ 47E., }
„ 451E., } dated the 25th March, 1885.
„ 453E., }
„ 129E., dated the 24th March, 1886.
„ 2442E., dated the 29th October, 1886.
„ 73E., dated the 11th January, 1887.
„ 1522E., dated the 24th July, 1888.
„ 876E., dated the 1st May, 1889.

III.—Notifications respecting the administration of criminal and civil justice in the district of Quetta—

No. 1365P., } dated the 4th July, 1878.
„ 1366P., }
„ 415E.P., dated the 29th January, 1880.
„ 590E., dated the 21st April, 1885.

IV.—Notifications respecting the administration of civil and criminal justice on portion of the Sindh-Pishin State Railway—

No. 947E., } dated the 12th May, 1883.
„ 948E., }

V.—Notification No. 870E., dated the 14th May, 1886, publishing the Baluchistan Forest Law.

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## XIII.—ORDERS APPLYING ACTS TO THE AGENCY TERRITORIES.

*No. 1415I., dated 30th April, 1890 [published in Gazette of India, 1890, Pt. I, page 342].*

The Governor General in Council is pleased to apply the Revenue Recovery Act, I of 1890[a], to all territories in India which are under the administration of the Governor General in Council, but which are not part of British India, including the territories for the time being administered by the Agent to the Governor General in Baluchistan as such Agent, and to direct that an arrear of land-revenue accruing in any part of British India, or a sum recoverable as such an arrear and payable to a Collector or other public officer or to a local authority, in any part of British India, may be recovered in any of those territories under the said Act as hereby applied.

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[a] Published in Gazette of India, 1890, Pt. IV, p. 1.

*No. 956 E., dated 10th May, 1890 [published in Gazette of India, 1890, Pt. I, page 364.]*

The Governor General in Council, in exercise of the powers enabling him in this behalf, is pleased to apply the following enactments to the territories administered by the Agent to the Governor General in Baluchistan as such Agent, with effect from the following dates, respectively, namely :—

The Charitable Endowments Act, VI of 1890[a], from the first day of October, 1890.

The Guardian and Wards Act, VIII of 1890[b], from the first day of July, 1890.

## XIV.—ORDER DECLARING THE LIMITS OF THE CANTONMENT OF LORALAI.

*No. 1540 E., dated 24th July, 1890 [published in Gazette of India, 1890, Pt. I, page 571]:*

The Governor General in Council is pleased to declare the limits[c] of the Cantonment of Loralai to be as follows :—

*Description of Loralai Cantonment Boundary.*

No. 2 Boundary pillar is situated to the north-west of cantonments on stony hill to the east of Arbosin gap.

Bearing south-east to north-east, angle of north-east bastion of fort, 124° 30′.

Bearing south to south-west, angle of Royal Artillery Lines, intersection of centres of south and west roads, 184° 15′.

Bearing south-east to north-west, angle of Native Cavalry Lines, intersection of centre line of west road with north face of buildings 152° 45′ distance, 502 feet.

| Boundary Pillars. | Description. | Forward Bearing from M.-N. | Direct horizontal distance in feet |
|---|---|---|---|
| 1 to 2 | From pillar No. 1, on rocky hills, the boundary runs direct to pillar No. 2 in a north-easterly direction. | 78° 30′ | 2,135 |
| 2 to 3 | From pillar No. 2 to pillar No. 3 the boundary runs in an easterly direction along the stony hills. | 85° 30′ | 2,047 |

[a] Published in Gazette of India, 1890, Pt. IV, p. 17.
[b] Published in Gazette of India, 1890, Pt. IV, p. 27.
[c] Cf Act XIII of 1889, s. 4 (2).

*(Order declaring the limits of the Cantonment of Loralai.)*

| Boundary Pillars. | Description. | Forward Bearing from M.-N. | Direct horizontal distance in feet. |
|---|---|---|---|
| 3 to 4 | From pillar No. 3 to pillar No. 4 the boundary runs in an easterly direction along the stony hills. | 83° 45′ | 3,238 |
| 4 to 5 | From pillar No. 4 to pillar No. 5, on isolated low hill east of fort, the boundary crosses the plain to the south. | 185° | 4,050 |
| 5 to 6 | From pillar No. 5 to pillar No. 6, on north edge of river, the south-east corner of the Cantonment, the boundary crosses the plain to the south-west. | 208° 45′ | 5,487 |
| 6 to 7 | From pillar No. 6 to pillar No. 7, on north edge of river, the boundary follows the course of the Loralai river, nearly in a north-westerly direction. | 314° 45′ | 3,388 |
| 7 to 8 | From pillar No. 7 to pillar No. 8, on north edge of Loralai river, the boundary crosses the plain to the west, slightly north of the river. | 283° 45′ | 5,408 |
| 8 to 9 | From pillar No. 8 to pillar No. 9, on stony hills, the boundary runs north. | 353° | 2,056 |
| 9 to 1 | From pillar No. 9 to pillar No. 1 the boundary runs north-east along the stony hills. | 51° 30′ | 3,475 |

NOTE.—In all cases the Cantonment boundary follows a direct line from pillar to pillar.

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